


#EndRapeCulture: The successes and failures of task teams in bringing about change

by

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Declaration

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Abstract

Rape and gender-based violence have reached epidemic levels in South Africa. The problem of campus rape and sexual harassment is also not a new phenomenon. The statistics are not always reliable due to chronic underreporting and low conviction rates acting as a deterrent to report. Both the state and universities have been slow to respond to the crisis facing the women of the country. It was only after the wave of student protests in 2015 and 2016 that universities around the country faced the full reality of the violence facing the women on their campuses, and in the country.

In response to the protests, Stellenbosch University and the University Currently Known as Rhodes set up task teams to investigate the sexual violence women face on their respective campuses. They released reports with recommendations of how to improve the lived realities of the students at their universities. At universities, party rape and date rape are common. The victims often know the perpetrator and often have to coexist with them on the same campus. It is therefore imperative that students who face any form of discrimination, harassment or violence have options for recourse. It is from policy documents of the universities and interviews with key informants that a clearer understanding can be gained on how successful these conflict resolution channels are.

The ways that students and institutions respond to the presence of rape culture on university campuses in South Africa is at the heart of this thesis. Rape culture can be understood as the attitudes, perceptions and stereotypes that normalise sexual violence. The research seeks to examine the effectiveness of the interventions which were implemented following the appointment of task teams and the release of their recommendations. Utilising a feminist methodology and a collection of secondary and primary data, which was collected through interviews with key informants, this study seeks to investigate the task teams set up at Stellenbosch University and the University Currently Known as Rhodes.

Due to the nature of the thesis, a theoretical feminist framework is used to understand the social conditions that enable a rape culture to survive. Liberal, intersectional and radical feminist scholars are drawn upon to contextualise violence against women in a patriarchal society. South Africa being an exceptionally violent society, rape, rape culture and gender-based violence are common in the country. They are part and parcel of the fabric of our society. The task teams helped to name the problem of rape culture and ensure universities responded to the student protests. Part of their recommendations have been implemented. At UCKAR, policy change

came as a direct result of the task team, while at Stellenbosch the current policy preceded the protests. Of the recommendations made, approximately half have been implemented so far at each university. UCKAR focused on policy change and student and staff training and sensitisation. Stellenbosch University focused on creating opportunities for training and sensitisation for both students and staff. The task teams, therefore, played a role in challenging the rape culture at both institutions, building off of the momentum of the student protests. However, it will take massive systematic change to unstitch the cloth and create a society in which rape and sexual violence are not predicable outcomes to being woman.

Opsomming

In Suid-Afrika het verkragting en geslagsgeweld tot buitengewone epidemiese vlakke gestyg. Verkragtings en seksuele teistering op universiteitskampusse is ook nie 'n nuwe verskynsel nie. Die statistiek hieroor is egter nie altyd betroubaar nie weens die onderrapportering van hierdie misdade en die lae skuldigbevindingsyfers wat veroorsaak dat hierdie misdade nie aangemeld word nie. Beide die staat en universiteite reageer met traagheid op dié krisis wat vrouens in die gesig staar. Dit was eers na 'n reeks studenteoptogte in 2015 en 2016 dat universiteite regtig die werklikheid en erns van die geweld teen vrouens op universiteitskampusse, en in die land, begin besef het.

Ingevolge die studenteoptogte het Stellenbosch Universiteit en Universiteit voorheen bekend as Rhodes Universiteit taakspanne aangestel om geslagsgeweld op hul onderskeie kampusse te ondersoek. Hierdie taakspanne het verslae uitgereik met voorstelle vir die verbetering van studente se lewenswerklikhede op hul kampusse. By universiteite kom verkragtings tydens partytjies/gesellighede en afspraakverkragtings algemeen voor. Die slagoffer ken gewoonlik die oortreder en moet ook met hom/haar op dieselfde kampus saamleef. Dit is daarom noodsaaklik dat studente wat enige vorm van diskriminasie, teistering of geweld ervaar, hulle op een of ander oplossing kan beroep. Die beleidsdokumente van die universiteite en die onderhoude met sleutelinformante verskaf duidelikheid oor hoe suksesvol hierdie konfliktoplossingskanale is.

Die spilpunt van hierdie tesis is die wyse waarop studente en instansies op die teenwoordigheid van 'n verkragtingskultuur op universiteitskampusse reageer. Verkragtingskultuur verwys o.a. na die houdings, persepsies en stereotipes wat seksuele of geslagsgeweld normaliseer. Hierdie studie beoog om te bepaal watter intervensies voorgestel is om die verkragtingskultuur op universiteitskampusse stop te sit, na aanleiding van die aanstelling van die taakspanne en hul voorstelle. Deur 'n feministiese metodologie te gebruik, poog hierdie studie om veral ondersoek in te stel oor die bogenoemde taakspanne wat by Stellenbosch Universiteit en Rhodes Universiteit ingestel is.

Om die sosiale omstandighede wat 'n verkragtingskultuur laat voortbestaan te verstaan, word daar ook gebruik gemaak van 'n teoretiese raamwerk wat in die feminisme gegrond is. Daar word op liberale, interseksionele en radikale feminisme gesteun om geweld teen vrouens in 'n patriargale samelewing te kontekstualiseer. Omdat Suid-Afrika 'n besonders gewelddadige samelewing is, is verkragting, verkragtingskultuur en geslagsgeweld nie besonders aan die land

nie. Dit is 'n geïntegreerde deel van samelewingskultuur. Die taakspanne het gehelp om die probleem van verkrachtingskultuur bloot te lê en te verseker dat universiteite op die studenteoptogte reageer. Van die taakspanne se voorstelle is ook reeds geïmplementeer. By Rhodes Universiteit is die beleidsverandering 'n direkte uitvloeisel van die taakspan se bevindinge terwyl Stellenbosch se beleid die proteste voorafgegaan het. Sowat die helfte van die onderskeie taakspanne se voorstelle is tot dusver by beide universiteite geïmplementeer. Rhodes Universiteit fokus veral op beleidsveranderinge en die opleiding en sensitisering van studente en personeel. Stellenbosch Universiteit spits hom toe op die skepping van geleenthede vir opleiding en sensitisering van studente en personeel. By beide universiteite het die taakspanne 'n rol gespeel en voortgebou op die momentum van die studente proteste oor hoe die verkrachtingskultuur aangespreek word. Dit gaan egter grootskaalse, stelselmatige veranderinge verg om 'n sameleving te skep waarin die voorspelbare uitkoms van vrouwees nie uitloop op verkrachting en geslagsgeweld nie.

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This thesis is dedicated to all the women who have endured and carry the trauma of rape.

To my friends from high school who took years to come forward with their rapes.

To my friends who didn't make it out of high school without being assaulted.

To my friends who were assaulted and raped while at university.

To all the women who don't know what to call what happened to them.

To my sister.

To all the older women in my life who have shared their own stories – the ones they kept locked away for years.

To all the women whose names we will never know.

xxx

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List of Acronyms and Abbreviations

Abbreviation	Meaning
#ERC	#End Rape Culture
#RMF	#Rhodes Must Fall
ADR	Alternative Dispute Resolution
CEDAW	Convention on the Elimination of Discrimination against Women
CSCD	Centre for Student Counseling and Development
CDC	Central Disciplinary Committee
CSVR	Centre for the Study of Violence and Reconciliation
DAC	Disciplinary Appeals Committee
GBV	Gender-Based Violence
HIV	Human Immunodeficiency Virus
HR	Human Resources
LGBTQ	Lesbian, Gay, Bisexual, Transgender and Queer
LOST	Die Verslag van die Loodskomitee op Seksuele Teistering
MRC	Medical Research Council
MSD	Manager Student Discipline
RDC	Residence Disciplinary Committee
SAPS	South African Police Services
SRC	Student Representative Council
SU	Stellenbosch University
SVTT	Sexual Violence Task Team
UCKAR	University Currently Known as Rhodes
UCT	University of Cape Town
UN	United Nations
US	United States
USA	United States of America

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Chapter 1 Introduction

1.1. Introduction

In 2015, South African university campuses erupted in protests as the #RhodesMustFall protests grew into a national campaign calling for the decolonisation of university curriculums and the removal of fees barring entrance into higher education institutions. An offshoot of these protests was the #EndRapeCulture protests, with #RURerenceList and #PatriarchyMustFall preceding the national #EndRapeCulture movement. The impetus for these protests was the high levels of gender-based violence and the prevalence of a culture in the country and on the campuses that normalised violence against women¹. During these protests a conversation was started that led to an interesting cultural moment - one where both feminism and misogyny were increasingly visible in public spaces and in the media.

The problem of rape and sexual assault on university campuses is not a new one. Research into the phenomenon of campus rape has been documented as far back as the 1990s in South Africa and the first cross-national representative research in the United States of America (USA) was done in 1986. However, the way forward for university managements in South Africa has not been clear and has led to much debate about the role institutions ought to play in combating harmful cultural beliefs and practices. The way two South African universities, namely Stellenbosch University and the University Currently Known as Rhodes (UCKAR²), chose to investigate and combat rape culture will be the focus of this research.

One group of scholars who have focused on the problem of campus rape and rape culture has been feminist researchers. While feminism is by no means a homogenous ideology, a common goal for feminist academics and activists since the 1970s has been to reconceptualise the crime of rape from one of passion and sex to one of control, power and violence (Mendes, 2015:28-29). By doing so, the hope is that the act of rape will be viewed as one that has historically been used by men to maintain their dominance over women, the “weaker sex”, thereby entrenching

¹ To borrow from the book “Nasty Women Talk Back” (2018), “the use of the term ‘womxn’ became prominent during the Women’s Marches as well as the #FeesMustFall in South Africa. It is a feminist spelling of women - to exclude the use of ‘men’ in wo-men. It also refers to feminist intersectionality and greater inclusivity of people that are gender-non-conforming.” While this spelling will be used when referring to the protesting students, the traditional spelling (woman /women) will be used when context demands it. It must be noted that when I use the traditional spelling of women, I am doing so with the intention that trans women be included. The spelling of a word should not be read as exclusionary in this thesis.

² Students and academics from Rhodes University have contested the origin of the university’s name and have demanded that it be changed. For this reason, the name has been rejected and the institution has been referred to as the University Currently Known as Rhodes to indicate the desire for change. Other authors to do so include Ndalu, Dlakavu & Boswell (2017).

male dominance and women's subordination. Understanding rape as a violent phenomenon with complex and multi-layered power dynamics at play helps to further the understanding of what rape culture is and how it manifests in society and on university campuses.

1.2. Rape

When looking at the history of rape, the law first defined it as a property crime against the owner (the familial patriarch). Later it was considered a crime of honour on the part of the victim's family (Dripps, 1992; Brady et al., 2018). The legal system has made considerable progress in most of the western world with consent playing a more central role in defining rape and sexual assault (Beres, 2014:374). Consent, or perhaps more accurately what we view as the opposite of coercion, is the verbal or nonverbal communication that indicates a willingness to engage in sexual activity (Hickman & Muehlenhard, 1999; Beres, 2014; Fantasia, 2015). The use of force and unwanted sexual behaviour now forms part of most accepted definitions of sexual violence, particularly rape. It has been generally accepted that genuine consent cannot take place under coercive circumstances (Jozkowski, 2013; Beres, 2014; Fantasia et.al, 2015). Conroy et al. (2015:1829) identify physical coercion, threats of physical coercion, interpersonal coercion and social coercion as four different aspects of physical coercion. The use of actual force and the threat of physical coercion can be used to extort or obtain sex, while nonphysical threats and manipulation are also be used. Social coercion refers to the pressure felt to adhere to social pressures and expectations. MacKinnon (1989:182) provides a more nuanced and radical understanding of consent in her analysis. By arguing that sexuality is relational and that a perspective is bound up with an unequal situation, consent is a type of communication that takes place under conditions of inequality. The giving of consent takes place "somewhere between what the woman actually wanted, what she was able to express about what she wanted, and what the man comprehended she wanted" (MacKinnon, 1989:182). While this argument undermines women's agency, it is worth noting as it expresses the inherent complexity around trying to understand what consent is and how it can be undermined.

Feminists coined the term sexual assault as an umbrella term to categorise a wide variety of acts and behaviours that lead to sexual victimisation (Donde et al., 2018:1720-1721). It includes behaviours ranging from verbal sexual harassment to completed rape. Sexual coercion, on the other hand, refers to "unwanted sexual contact, sexual coercion, attempted rape or completed rape" (Zinzow & Thompson, 2014:213). Rape, however, requires a more specific definition. The US Department of Justice (2017) defines rape as "nonconsensual oral, anal, or vaginal penetration of the victim by body parts or objects using force, threats of bodily

harm, or by taking advantage of a victim who is incapacitated or otherwise incapable of giving consent”.

As MacKinnon (1989:190) states: “If sexuality is central to women's definition and forced sex is central to sexuality, rape is indigenous, not exceptional, to women's social condition”. For this reason, this research will use a woman-as-victim, man-as-perpetrator framework. While both men and women can be raped, it is women who are vastly disproportionately affected by the crime, which will be further discussed in chapter 2 (Kelland, 2014: 2776). Additionally, the harm experienced by the rape is dependent on whether one is socially marked as masculine or feminine. Rape occurs in a patriarchal society and thus “rape harms differently sexed individuals in different ways” (Kelland, 2014: 2776). MacKinnon (1989:176) posits that men and women are “unequally socially situated with regard to the experience of rape”. This is not to imply that a raped woman suffers, or faces more damages, than a raped man. Rather, the meanings of rape differ for men and women victims.

1.2.1. Rape as a South African problem

Gender-based violence in South Africa has reached hyperendemic levels (National Strategic Plan on Gender Based Violence and Femicide (GBVF), 2020). President Cyril Ramaphosa notes in the foreword that:

“South Africa holds the shameful distinction of being one of the most unsafe places in the world to be a woman. We have amongst the highest rates of intimate partner violence, and recently released data from Statistics SA show that rape and sexual violence have become hyperendemic. This is a scourge that affects us all: young and old, black or white, rich and poor, queer or cis, rural or urban. It pervades every sphere of our society.”

A report by KPMG estimates that gender-based violence costs the country between R28.4 billion and R42.4 billion per year (KPMG, 2014). The statistics tell their own story. In the time period 2016/2017, the ratio of rape for the population was 71,3 per 100 000 (SAPS). This shows a downward trend from the 2015/2016 period of 75,5 per 100 000. The number of rapes reported were 39 828 for the same time period, 1 675 less than the previous year. The number of rapes reported for the last period of 2018/2019 was 41 583, which shows an increase in reporting (SAPS, 2020).

Statistics SA estimate that the true ratio of rape in South Africa is 138 per every 100 000. For this reason, South Africa has been labelled the rape capital of the world. A South African Medical Research Council study found that 27.6% of the men interviewed in a random sample had raped a woman or girl, with 4.6% of men having raped in the past year (Jewkes et al., 2009:1). However, obtaining realistic estimates of rapes perpetrated is difficult because only a fraction of victims reports the crime. In fact, the One in Nine Campaign is a network of organisations that was established in 2006 at the start of ANC politician Jacob Zuma's rape trial (One in Nine, 2015). It based its name on a finding from a Medical Research Council Study that found that only one in nine rape survivors report the crime to the police.

This is exacerbated by the state's slow response in acknowledging gender-based violence as a problem and establishing the national council for this issue. The then Deputy President Kgalema Motlanthe announced the launch of the National Council Against Gender-Based Violence in December 2012 after the violent rape and murder of 17-year-old Anene Booysen. The council would, according to the statement, "lead and monitor the implementation of a 365 Days Plan of Action against gender-based violence for Children and People with Disabilities" (Launch of National Council Against Gender-Based Violence, 2012). However, civil society organisations have noted that political changes and lack of significant funding to implement its mandate has led to a situation in which the council cannot adequately function (Stop Gender Violence: A National Campaign, 2017). Therefore, with no national plans having been developed by the Cabinet-approved Council by 2017, civil society stepped in (National Strategic Plan for Gender-based Violence launched, 2017). The Stop Gender Violence Campaign developed the National Strategic Plan (NSP) Shadow Framework Report and a Policy Brief to pressure the government into action. The Plan included a Victim Empowerment Programme that has yet to be implemented due to lack of funds.

In December 2015, the UN Special Rapporteur on Violence Against Women, its Causes and Consequences visited South Africa for an eight-day period (2016:1). She observed that South Africa is still influenced by its violent and segregated past, with patriarchal norms deeply entrenched in society. These norms and attitudes contribute to a way of life in which violence against women and children seems to be accepted as a normal social phenomenon. She states that "at the core of this violence against women pandemic lie unequal power gender relations, patriarchy, homophobia, sexism and other harmful discriminatory beliefs and practices" (UN, 2016:3). Compounding this violence is the widespread use of drugs and alcohol, a high unemployment rate and a high incidence of HIV (UN, 2016:4). Different movements have

shown that women in South Africa, regardless of social class or cultural background, are affected by sexual assault and rape (Schutte, 2011; Mendes, 2015).

Protest action since 2016 has led the government to act once more. The Shadow Framework for the National Strategic Plan on Gender-Based Violence states that the economic impact of gender-based violence is too costly for South Africa to ignore, echoing the findings of KPMG. While the country has laws that are sound in theory, implementation of the laws and policies that exist to protect women and vulnerable communities from violence has been deemed “irresponsibly weak” (National Strategic Plan on Gender-Based Violence Shadow Framework:6). The South African state has therefore identified gender-based violence as an urgent problem to be addressed (National Strategic Plan on Gender-Based Violence Shadow Framework:6). South Africa has ratified the UN Convention on the Elimination of Discrimination against Women (CEDAW) of 1979, therefore committing itself to protecting women’s rights and freedoms (National Strategic Plan on Gender-Based Violence Shadow Framework, 2017:18). CEDAW recognises that discrimination is extensive throughout all societies, which violates the right to equality and respect for human dignity. Discrimination (as defined by CEDAW in the National Strategic Plan on Gender-Based Violence Shadow Framework, 20) is defined as:

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

The definition of gender-based violence put forward by the National Strategic Plan on Gender-Based Violence Framework (26) says the following:

“We define the phenomenon of GBV [Gender-Based Violence] as violence against a person on the basis of their gender identity. This violence may be physical, sexual, economic, emotional, or psychological. GBV includes, but is not limited to, the following: intimate partner violence; domestic violence; sexual violence by non-partners; marital rape; date rape; stalking; sexual harassment; sexual exploitation; domestic homicides; trafficking; forced prostitution; sexual slavery; forced pregnancy; forced sterilization; forced abortion; cyber-attacks; discriminatory practices on the basis of gender, such as prenatal sex selection and female infanticide; and harmful

traditional practices such as forced marriage, early child marriage, wife inheriting, female genital mutilation and forced male circumcision. GBV can be perpetrated against people of all ages and demographics, in any space, including the home, workplace, school, tertiary institution, different modes of public transport and online.”

The National Strategic Plan on Gender-Based Violence and Femicide (22) expands on this definition and roots the problem in patriarchal norms. Gender-based violence encapsulates “any act against women that results in, or is likely to result in, physical, sexual, economic or psychological harm or suffering which include threats of such acts as coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (National Strategic Plan on Gender-Based Violence and Femicide, 22).

South Africa’s legal system defines rape as “any person ('A') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of rape” (Sexual Offences Act, 2007). Consent, according to the law, relates the “voluntary or uncoerced agreement” while sexual penetration encompasses:

“any act which causes penetration to any extent whatsoever by-

- (a) the genital organs of one person into or beyond the genital organs, anus, or mouth of another person;
- (b) any other part of the body of one person or, any object, including any part of the body of an animal, into or beyond the genital organs or anus of another person; or
- (c) the genital organs of an animal, into or beyond the mouth of another person, and 'sexually penetrates' has a corresponding meaning”.

However, despite the robust law that does exist in the country and elsewhere in the world, feminist scholars have shown that the law is inadequate when trying to remedy sexual violence (Collins & Dunn, 2018:378). Artz and Smythe (2007:17) argue that “in law, one is either guilty or not guilty, consenting or not consenting - there is little evidence of a social context approach that would allow the suggestion that the circumstances surrounding sexual violence are complex and sometimes ambiguous”. Despite attempts to make the law gender neutral or gender sensitive in order to protect women, the legal system still largely fails victims of rape. This is why many feminist scholars see the state, and its laws, as an active participant in upholding the patriarchy and the tools used to oppress women.

A study by the Centre for the Study of Violence and Reconciliation (CSVR), Medical Research Council (MRC) and Tshwaranang Legal Advocacy Centre found that only 4.1% of cases reported as rape resulted in a conviction for rape (Vetten, 2014:6). This highlights the real problem of accountability for perpetrators in the South African context. In order for the criminal justice system to be an effective deterrent, it will have to convict for frequently and consistently those guilty of the crime of rape.

1.2.2. Consequences of sexual violence in South Africa

According to Jewkes et al. (2009:1), femicide, or the murder of women by intimate partners, is one of the more extreme consequences of sexual violence with more than half of the women homicide victims having been killed by their intimate male partners. Research shows that more than 40% of the men interviewed report being violent towards their partner, with more than 50% of women reporting having been victims. This kind of violence is not only physical but can also be sexual and emotional. Research studies show that 28% of men report having perpetrated rape with evidence pointing to the first time most men commit rape being in their teenage years, with three quarters of those men who rape having done it before the age of 20 (Jewkes et al. 2009:1). About one in 30 men report having been raped by a man, a statistic that is bound to be much lower than the reality.

The impact of violence on the health of the victims is far-reaching and is most immediately evident in the health facilities across the country (Jewkes et al., 2009:1). Indirectly, violence and particularly gender-based violence carries alarming risks. Estimates state that 16% of new HIV infections among women could be prevented if they were not in abusive relationships (Jewkes et al. 2009:1). Moreover, women who have been raped or sexually assaulted face higher risks of unwanted pregnancies, sexually transmitted infections and more than a third will develop post-traumatic stress disorder (Jewkes et al., 2009; Fantasia et al., 2015). This, and the victimisation that follows sexual assault, increases the risk of anxiety, depression, substance abuse and sexual dysfunction (Graham et al., 2017:243). Men, and women, who have been raped are at higher risk of acquiring STI's and HIV as well as abusing alcohol, developing depression, and committing suicide. For both men and women, sexual assault victimisation is associated with negative school performance and graduation rates as well as decreased economic outcomes.

1.2.3. Drivers of sexually violent behaviour in South Africa

Jewkes et al. (2009:1) identify various drivers of sexually violent behaviour, such as poverty and social inequity. Male youth unemployment has especially been identified as correlative with assault and homicide. Linked to this is the widespread use of alcohol and drugs, with South Africa having one of the highest per capita alcohol consumption levels per drinker in the world (Jewkes et al., 2009:2). Many victims of violence, especially sexual violence, are rendered vulnerable by alcohol (Jewkes et al., 2009; Zinzow & Thompson, 2014; Fantasia et al., 2015; Richards, et al., 2017). Dominant cultural ideas of manhood, as well as the acceptance of social norms that legitimise and support the use of violence, leads many men to use physical and sexual violence to demonstrate their power and uphold a system on which men are seen as superior to women (Jewkes et al., 2009:1).

Tied to this is the concept of hegemonic masculinity, which is defined as a kind of masculinity that can be understood as a pattern of practice, according to Connell (2005:832). This pattern of practice allows the domination of women by men to continue. Bjornberg (2012:25) defines hegemonic masculinity as a masculinity that “dominates other masculinities and creates a cultural image of what it means to be a ‘real man’”. Donaldson (in Bjornberg, 2012:25) argues that this kind of masculinity is “exclusive, anxiety-provoking, internally and hierarchically differentiated, brutal, and violent”. Masculinity is not fixed but rather historically and socially constructed, changing ever so slightly in order to respond to challenges that may threaten it. While Connell (2005:832) acknowledges that this kind of masculinity may not be normal in the statistical sense, it is normative. She states that hegemonic masculinity creates a “most honored way of being a man” and requires all other men to position themselves in relation to that most honored masculinity (Connell, 2005:832). A current challenge to hegemonic masculinity may be legislation that promotes equality between the sexes as it challenges male’s privileged position in society. Due to the prevalence of violence as a tactic to control situations, especially against women and children and during fights, violent behaviour from men is seen as normal - even expected. When physical force isn’t used, such as through sexual harassment or other forms of coercion, it is viewed as normal male behaviour (Jewkes et al., 2009:2).

Aggravating the problem of the normalisation of violence is the issue of gun use and gun control in the country. South Africa has one of the highest rates of firearm deaths in the world (Jewkes et al., 2009:2). The response from law enforcement in the country has been weak and has also been identified as a driver of violent behaviour by Jewkes et al. (2009). The police are under-resourced, and the sector is plagued by corruption, making it difficult to enforce laws

that would challenge society's acceptance of violence as normal. The government has not had a much stronger reaction, with a lack of clear leadership and stewardship in the area of violence prevention identified as another potential driver of violence (Jewkes et al., 2009:2). Widespread social and economic reforms are needed in order to address the roots of violence that perpetuate the ideas of manhood that underlie the problem and that the state is rooted in.

1.3. Rape as a university problem

While the problem of gender-based violence and rape is widespread throughout South Africa, the situation women face on university campuses lacks the academic and public attention it deserves. Universities represent a microcosm of society and understanding the gendered dynamics in these spaces are important. In the US, research puts estimates of sexual assault among college students at 25% of women and 5% of men (Richards et al., 2017:105). Women are more likely than men to be sexually assaulted during their time at college or university (Richards et al., 2017; Collins & Dunn, 2018). Research also shows that lesbian, gay, bisexual and questioning (LGBTQ) students face a higher risk of sexual assault than their peers. However, under-reporting among heterosexual and other sexuality groups means that rape and sexual assault among campus populations is underestimated (Collins & Dunn, 2018:371).

A kind of rape linked with universities is party rape, a kind of sexual assault typically defined as occurring at a university affiliated residence or property where alcohol is used to lower people's inhibitions and intoxicated women are targeted (Armstrong et al., 2006:484). Party rape is therefore categorised as acquaintance rape. However, often the victim would only meet the perpetrator the night of the party. Armstrong et al. (2006:494) find that when young people who are single and party-oriented come together in the same spaces, rates of party rape are higher. When traditional beliefs about sexuality and gender difference encourage young people to enter the party scene, the risk of party rape occurring is once more heightened. University housing, especially male residences and fraternities contributes to this kind of sexual danger by allowing young people to cluster in areas where alcohol is likely to be abused (Armstrong et al., 2006:494). Pineau (1989:217) discusses another kind of rape related to party rape, namely date rape. Classified as "nonaggravated sexual assault, nonconsensual sex that does not involve physical injury, or the explicit threat of physical injury," is also prevalent on university campuses (Pineau, 1989:217). In this kind of assault, Pineau (1989:240) locates the guilt of the perpetrator in their failure to approach sexual relations on a "communicative basis".

Internationally, it has been shown that sexual assault, both on campuses and in general, is severely underreported through official channels, such as law enforcement (Richards et al., 2017:105). It is estimated that approximately 5% of college sexual assaults are reported to either campus or community law enforcement, with college students being more likely to turn to informal channels for help after an incident of sexual violence (Richards et al., 2017:105). Institutional responses are not trusted by victims as they tend not to address the structural and systemic issues that compound the problem of rape culture on university campuses (Collins & Dunn, 2018:374).

1.4. Rape culture

1.4.1 What is rape culture?

Past research has shown that sexual harassment negatively impacts on the physical and mental health of students, as well as on their academic performance (Williams et al., 1992; Gouws & Kritzinger, 2007; Spencer et al., 2017). Keller, Mendes & Ringrose (2018:23) define rape culture as a “socio-cultural context in which an aggressive male sexuality is eroticized and seen as a ‘healthy,’ ‘normal’ and ‘desired’ part of sexual relations”. In a separate study, Mendes (2015) defines rape culture as a culture in which sexual assault is seen as inevitable and, in some cases, desirable and excusable due to a perception that women enjoy being pursued and overpowered by men. Gouws (2016:1) summarises rape culture as the “attitudes, perceptions and stereotypes” that normalise sexual violence. Beliefs like this are supported by rape myths that see women as provocateurs who deserve to be harassed or assaulted based on “signals” that are believed to be sent out, with the signals carrying more weight than their objections (Keller et al., 2018:23). In this way, the embedded culture leads to a tolerance and normalisation of sexual assault by using tactics that shift the blame from the perpetrator to the victim (Spencer et al., 2017:167). The term rape culture grew out of the second-wave feminist movements during the latter half of the twentieth century (Brownmiller, 1975; Armstrong et al., 2006).

This culture becomes even more problematic in structures that promote heterosexual scripts, like university campuses. The interaction of gender-neutral expectations and gendered interactional expectations plays out at university events, such as parties (Armstrong et al. 2006:495). The gender-neutral expectation at parties is to lose control, over-indulge on alcohol and to trust those at the party. However, when combined with the gendered interactional expectation that women should be “nice” and defer to their male hosts, it creates a sexual script

in which men are charged with pursuing sex and women are charged as the gatekeepers who ‘allow’ sexual interaction to take place (Armstrong et al. 2006:495). When male aggression and female reluctance are seen as normal parts of seduction, or a ‘game’ of courting, it makes inclusion for communication in the sexual script difficult (Pineau,1989:225). This is problematic because it is necessary to challenge the belief that sexual harassment occurs when there is a breakdown in communication (Bacchi, 1999:190).

From the perspective of proponents of rape culture, rape and sexual assault are seen to occur as a consequence of “widespread belief in ‘rape myths,’ or ideas about the nature of men, women, sexuality, and consent that create an environment conducive to rape (Armstrong et al., 2006:485). Therefore, rape culture and the harassment that stems from it is not a “misinterpreted flirtation” as some would suggest but is rather male hostility towards women. Bacchi (1999:193) writes that by reframing harassment as a problem of “women-hating” will help to bring about more appropriate responses.

1.4.2. Beyond rape culture

While various cultural manifestations, such as rape myths and beliefs around men and women’s sexuality contribute to the high prevalence of rape in South Africa, it is also important to look at the creation of particular contexts as arenas for sexually aggressive and dangerous behaviour (Armstrong et al., 2006:485). It is therefore more than just the generic culture that allows for and promotes gender-based violence. It is also specific settings that make it possible. The formal structure of institutionalised campus life supports what Armstrong et al. (2006:485) call an already “high-pressure heterosexual peer group”. The university as an institution therefore provides opportunities and resources that make sexual assault possible, and easier. Bacchi (1999:197) echoes this and states that the university context suggests that sexual harassment is the product of a climate in which women hold little institutional value, which makes the organisational climate the culprit of the harassment - not deviant behaviour. By looking at the different levels, from individual to cultural, that allow for and enable sexual assault to occur, it becomes clear that each level plays a role in contributing to the reproduction of a violence and unequal society (Armstrong et al., 2006:485).

A note on the myth of false reporting should be made before moving forward. As MacKinnon (1989:181) states, a pervasive belief exists under men that women fabricate rape charges, for various reasons, after engaging in and consenting to sex. To interpret facts that, to the man, describes sex distorts his experience. For a woman to interpret this act as rape can therefore

only be considered a malicious and deliberate reinvention of the man's reality. MacKinnon (1989:181) argues that this male anxiety that "rape is easy to charge and difficult to disprove" despite evidence to the contrary exists because rape accusations show that men cannot control the meaning of a sexual encounter in the mind of a woman.³

1.5. The role of policy

To approach the role of policy, the work of Carol Lee Bacchi will be instrumental. As Bacchi (1999) states, policies are documents that "diagnose" problems in society, and they do so by framing the problem in a specific way. These "problem representations" are not judgement or value free and are important to study as such. Bacchi (1991:181) explains that sexual harassment is not a new phenomenon but the naming and representation of it as a problem is. What was once considered a private and personal experience has been reframed by activists and academics as a public crime. To do so, it is important to pay attention to language and how it is used to frame problems. Words, especially in policies, are responsible for placing the onus on a certain party. With regards to sexual harassment policies, words determine whether the onus is placed on the woman to determine whether she perceives her experience correctly or whether it is placed on the man and his behaviour as undermining "the equal provision of the bases of self-respect" (Bacchi, 1999:85).

Universities have traditionally run education campaigns in the hopes of raising awareness and combating sexual harassment and assault (Armstrong et al., 2006:496). However, it is argued that culture - particularly rape culture - develops in response to institutional arrangements. Educational efforts are unlikely to succeed if organisational arrangements are not changed to stop facilitating patriarchal practices. Both organisational and educational levels must be targeted simultaneously in order combat sexual assault (Bacchi, 1999; Armstrong et al., 2006). Moreover, Collins and Dunn (2018:374) caution that, while institutional policy responses are framed as offering protection for victims, they are only enacted when the institution needs to mitigate risk and when masculine privilege is threatened. Due to this approach, calls for greater control are often heeded without the structural and systemic nature of the problem being addressed. Policies and laws, therefore, often reinforce patriarchal gender structures. This is reminiscent of MacKinnon's (1989:176) warning that protective laws and policies that seek to

³ Research into false rape allegations is lacking, but one US-based study found that over the past 20 years, just two to 10% of all allegations made were "false". This also covers cases where victims pull out of the emotionally taxing process of reliving their experience through trial: so, in theory, the number of "false" accusations could be lower (Savin, 2019).

divide and protect the most vulnerable in a society i.e. women and children, become a device for doing precisely the opposite. Such special protections have not prevented or deterred high rates of sexual abuse. Despite attempts to become gender neutral or gender sensitive in order to protect women, feminist scholars see the state and institutions that form part of it as active participants in upholding the patriarchy and the tools used to oppress women (Collins & Dunn, 2018:378).

In the book *Killing a Virus with Stones* (Bennett, 2005), academics came together to analyse certain Sub-South African policies regarding sexual harassment. With regards to the ratification of university policies, it is said that: “implementation was not to be seen as a process whose point of origin was a text, through which official power to handle sexual harassment had been instituted; the “point of origin” was in fact a constellation of past activities, whose legacy continued to influence those with institutional memory but whose significance would be invisible to newcomers unless given continual exposure as a valuable part and parcel of the university” (Bennett, 2005:38).

By using Bacchi’s (1991) “What’s the problem” framework, one can view the work done by student activists as naming the problem of rape culture. By identifying common lived experiences among women on campus, these activists framed the problem as an institutional one that permeates through society. The managerial responses across various campuses was to enlist task teams to investigate the problem identified by student activists. By keeping the warnings of the academics mentioned in this section in mind, it is hoped that the researcher will be able to gauge whether the policy changes and recommendations put forward by the university task teams are sincere and have been successful in their aim to combat rape culture.

1.6. Problem Statement

The consequences of rape and rape culture have been recognised in the university context by students and staff alike. This was manifested in the 2016 #EndRapeCulture protests that followed the #FeesMustFall protests in 2015. The #FeesMustFall protests started in 2015 at the University of Cape Town. A group of predominantly Black students used civil disobedience to demand that the statue of Cecil John Rhodes, a controversial colonial figure, be removed from campus. His statue was a symbol of the continued racism at the institution, and the alienation caused by that racism. The movement was described as “an independent collective of students, workers and staff who have come together to end institutionalised racism and patriarchy at UCT” (Ndelu, Dlakavu & Boswell, 2017:1). At the University of the

Witwatersrand in Johannesburg, another group of predominantly Black students called for the decolonisation of the university curriculum. This went on to inspire other decolonial movements such as #OpenStellenbosch at Stellenbosch University. Intersectionality was central to the way these movements described themselves. At UCT, the #RhodesMustFall (UCT Rhodes Must Fall Mission Statement, 2015) movement stated that:

“[a]n intersectional approach to our blackness takes into account that we are not only defined by our blackness, but that some of us are also defined by our gender, our sexuality, our ablebodiedness, our mental health, and our class, among other things. We all have certain oppressions and certain privileges and this must inform our organising so that we do not silence groups among us, and so that no one should have to choose between their struggles.”

The #EndRapeCulture protests flowed from these protests, after allegations of toxic masculinity and patriarchal practices came from inside the movements. In the aftermath of the protests, which will be thoroughly discussed in the following chapter, both Stellenbosch University and UCKAR set up task teams to investigate the rape culture on the various campuses.

It is the aim of this study to determine whether the recommendations put forward by the task teams do indeed combat the causes to the problem of rape culture. We therefore look at the way in which universities have problematised rape culture, rather than focusing on the “problem” of rape culture. The aim of this study is to determine whether the policies pertaining to issues surrounding rape culture at Stellenbosch University and the University Currently Known as Rhodes address the concerns raised during the 2016 #EndRapeCulture protests.

1.7. Research questions

At the core of this research is an examination of the policy interventions used to address rape culture on South African campuses, namely Stellenbosch University and the University Currently Known as Rhodes. Have the changes required by the #EndRapeCulture protests in 2016 on South African university campuses through task team investigations and recommendations led to interventions that address the rape culture that students protested?

The main research question goes as follows:

What interventions to ending rape culture were made as a consequence of the appointment of task teams and their recommendations?

The following sub-research questions have been identified:

1. How successful were the #EndRapeCulture protests in affecting policy change at SU and the UCKAR?
2. Are there differences in perceptions of the activists of #EndRapeCulture and the implementers at universities regarding the changes brought about by task team recommendations?
3. Were the task teams and recommendations well-received by the campus and by the student activists?
4. What are the reasons that the protests stopped and didn't continue post-2016?

By asking these questions, the researcher hopes to thoroughly contextualise the protests as well as the root causes of distress among women on South African campuses.

Outline of thesis

Chapter 1 acts as an introduction for this thesis, setting up the context of rape and rape culture in South Africa. The problem statement and research questions are discussed. Chapter 2 is a literature review. Literature from the United States of America is explored before delving into the literature around rape culture and university campuses in South Africa. The context of Stellenbosch University and UCKAR are discussed, as well as the work of the task teams set up at each university. Chapter 3 explores the research methodology and design of the thesis. The feminist theoretical framework is discussed and contextualised for this thesis. The theories that I make use of are defined and explained with relevance to the research question. The case study design of my research is discussed, as well as the data collection and analysis process. Chapter 4 and 5 deal with the policy analysis and interviews done at Stellenbosch University and UCKAR respectively. Chapter 6 is the concluding chapter, where the findings from the previous two chapters are discussed. Critiques and concluding remarks are made.

Chapter 2 Literature Review

“Movements are not occasional emergencies in social life located on the margins of the great institutions...In complex societies, movements are a permanent reality”

Alberto Melucci, 1994

2.1. Introduction

The #EndRapeCulture protests in 2016 highlighted the pervasiveness of gender-based violence on South African campuses. The protests flowed from the #RhodesMustFall and #FeesMustFall protests, which highlighted the colonial legacy of tertiary institutions as well as the high fees that university students must pay in order to receive a tertiary education (Ndelu, 2017:64). However, women still experienced sexual harassment and assault during these protests, leading to breakaway protests under the banner #EndRapeCulture, urging universities to do more to deter campus rape and punish those who perpetrate it. Management at the universities responded in different ways, with some setting up task teams and others bringing about a number of internal changes. Whether the recommendations and changes made are in line with what the student activists were protesting will be discussed in this thesis.

The first investigation into the prevalence of sexual harassment on a university campus in South Africa took place at UCT in 1991 (Steenkamp, 2010:33). A committee of Enquiry into Sexual Harassment was formed and identified community tolerance for sexual harassment and behaviours associated with it as the single biggest problem to be addressed (Steenkamp, 2010:33). This tolerance ties in with the definition of rape culture used by Gouws (2018:3-4) as the “pervasive attitudes, beliefs and stereotypes that normalise violence against women”. Shortly after the study at UCT, Gouws and Kritzinger (1995) published a study that investigated students’ perceptions and experiences of sexual harassment, as well as their tolerance of it. They found that institutional culture is a “critical variable in interpreting sexual harassment” (Gouws and Kritzinger, 1995:1). Twelve years later, Gouws and Kritzinger returned to the topic and repeated their initial research. A lack of coordination between the key stakeholders where cases could be reported was identified as the biggest problem to successful policy implementation at Stellenbosch University (2007:68). This lack of coordination is one of the problems highlighted by students during the #EndRapeCulture protests.

This chapter will explore international and South African literature on the problem of combating rape culture and sexual assault on university and college campuses. Literature on student protests will also be examined in order to gauge different responses in different contexts. Two universities, Stellenbosch University (SU) and the University Currently Known as Rhodes (UCKAR), and their policies will be studied in order to understand the institutional contexts where the protests took place. As Williams et al. (1992:51) allude to, it is necessary for systematic examinations to study the impact of existing institutional policies on the incidence of sexually violent behaviours on campuses in order to determine the impact of the policies.

2.2. Literature on the United States of America

When analysing literature on the subject of campus rape and rape culture, literature from the United States of America (USA) is abundant. There exist many similarities between South African universities and American colleges and universities. The fraternity and sorority system closely mirror the residence system at Stellenbosch University and UCKAR. Moreover, themes within the American literature and South African literature converge around drinking and partying culture. The two countries also share racist histories that are still felt in present-day society. The literature below explores the prevalence of campus rape, date rape and the institutional silences surrounding this. The literature also explores some of the more recent protest action and newsworthy events that took place in the USA.

College women are at greater risk for rape, sexual assault and sexual victimisation than women in the general population or in a comparable age group (Armstrong et al., 2006; Donde et al., 2018). Armstrong et al. (2006:484) show that “sexual assault is a predictable outcome of a synergistic intersection of both gendered and seemingly gender-neutral processes operating at individual, organizational, and interactional levels”. Campus culture fosters high expectations for students, often concentrated in one area and homogeneous in nature, to party and drink heavily. When this occurs in male-controlled fraternities where sexualised peer cultures promote traditional gender expectations - that men being assertive and women deferring to male pressure - women are made vulnerable. This occurs on campuses where few sanctions are imposed by university management and men have little to fear from the existing sexual harassment procedures and policies (Williams et al., 1992:52). With a culture that encourages behaviour that makes women vulnerable and an institutional system that sets up few deterrents, male spaces become lawless spaces where anything goes. Universities are only required to contact law enforcement when state law requires it, they have a memorandum of agreement with local law enforcement or when a victim directly contacts law enforcement (Collins &

Dunn, 2018:379). Preventing and remedying sexual assault is often not a major priority of university institutions, which means that they often fail to protect victims and provide them with a fair process.

With regards to the conditions that enable sexual assault to take place on college campuses, the presence of alcohol and drugs have been identified as factors that heighten the risk of assault occurring (Zinzow & Thompson, 2014; Fantasia et al., 2015; Richards et al., 2017). A considerable proportion of rapes and assaults take place when the victim is incapacitated by alcohol or drugs. More than a third of college women who report sexual assaults state that the offender was using alcohol and/or drugs at the time of the assault (Richards et al., 2017:105). It is in this way that alcohol and drugs become expected in situations where sex, or rape, can occur. Humphreys & Herold (2007:306) explain the concept of sexual scripts as learned cognitive frameworks that set out how different people are expected to behave within sexual experiences and interactions. In essence, this theory points to sexual attitudes and behaviours being derived from our individual interaction with the culture that socialises us.

While the focus of this literature review will be on South African protests, it would be an oversight not to include events that shaped attitudes around rape culture on university campuses abroad. While it will be explained why 2015 and 2016 were significant for South Africa in the following part of this chapter, this period was also important for American politics around sexual assault. A number of very public calls were made to address sexual assault at university campuses, with people ranging from students to celebrities taking up the cause. One celebrity who became very vocal is Lady Gaga. In 2015 she co-authored an essay with Governor Andrew Cuomo that urged readers to support a bill that would require universities and colleges in New York to adopt affirmative consent policies (Gaga & Cuomo, 2015). In the same year she released the song “Til it happens to you” which was featured in a documentary titled “The Hunting Ground” (Galuppo, 2016). The documentary centred on college sexual assault and was up for the Best Song at the 2016 Academy Awards, where she performed it live. She was introduced by Vice President Joe Biden and was joined by 52 sexual assault survivors during her performance (Aurthur & Vary, 2016). This was significant as president Obama and vice-president Biden had launched the national “It’s On Us” campaign two years prior to the performance, which aimed to address sexual assault on college campuses (Smith, 2014).

Additionally, Obama had tasked Biden and Secretary of Education Arne Duncan with addressing sexual assault by introducing new guidelines in 2011 (Muehlenhard et al.,

2016:458). These new guidelines were communicated to university staff by the US Department of Education's Office for Civil Rights in the 2011 'Dear Colleague Letter' (Collins & Dunn, 2018:372). The progress made by the Obama administration has, however, been under scrutiny by the Trump administration's Secretary of Education Betsy DeVos (Collins & Dunn, 2018:372). She has rescinded many victim protection methods with the aim to protect the rights of the accused and to increase institutional freedoms. In 2020, the final changes to Title IX were announced amid much controversy (Anderson, 2020; Brown, 2020). The new changes do away with the Obama guidelines that allowed colleges to use a "preponderance of evidence" standard to establish guilt based on the most convincing evidence (Anderson, 2020; U.S Department of Education, 2020). The new federal regulations allow colleges to rather use a "clear and convincing" standard, which sets a higher burden of proof – which is placed on the victim (Anderson, 2020; U.S Department of Education, 2020). These civil rights protections state that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" (US Department of Education, 2015). This, to some extent, gives universities discretionary powers when responding to reports of rape and sexual assault, with sanctions ranging from training, restraining orders, reassignment, or expulsion of the perpetrator and so on (Collins & Dunn, 2018:378). The focus of Title IX is prevention of discrimination, sexual assault and rape as these can all lead to a hostile working environment. However, it has yet to be seen how the new changes will affect reporting of sexual assault on college campuses.

Another example of a protest that captured that public's attention is Emma Sulkowicz's "Mattress Performance (Carry That Weight)" project at Columbia University (Muehlenhard et al., 2016; Taylor, 2017). The student in question chose to carry around mattress with them⁴ whenever they were on campus for their senior art thesis. This campaign aimed to raise awareness around campus sexual violence. Sulkowicz vowed to carry the mattress around until the man accused of raping them, Paul Nungesser, was no longer allowed on campus. Both students graduated in May 2015. The accused male eventually sued Columbia university for sex discrimination under Title IX after he was found not guilty by an internal disciplinary hearing (Taylor, 2017). Erica Kinsman is another female student who gained public attention after suing Jameis Winston for sexual battery and assault, which she claims took place while they were both students at Florida State University (Muehlenhard, 2016:457). Winston was a

⁴ Emma Sulkowicz identifies with the pronouns they/them.

star quarterback who had won the Heisman Trophy and was a number one National Football League draft pick. A month after Kinsman sued Winston, he filed a countersuit alleging that her accusations were “false, defamatory... and have maliciously and impermissibly interfered with Mr. Winston's business and personal relationships” (Schlabach, 2016). While both cases were settled, it is notable that Winston was once again accused of sexual assault by an Uber driver in 2018 (Chavez, 2018).

Perhaps the most well-known example of a campus rape that gained worldwide coverage is that of the Stanford rape accused Brock Turner. After being caught assaulting a woman behind a dumpster outside a fraternity party, Turner was charged with the following felony crimes: 1) assault with the intent to commit rape of an intoxicated or unconscious person; 2) sexual penetration of a person while that person was intoxicated; and 3) sexual penetration of a person who was unconscious of the nature of the act (Collins & Dunn, 2018:377). While the possible sentence on the guilty verdict ranged from two to 14 years, the judge mitigated the terms of each count and sentenced Turner to only six months of jail time. The leniency of the sentence led to international outcry, further compounded after Turner was released after serving only three months of his sentence. The judge was later recalled by the county voters in 2018 (Astor, 2018). In the wake of the outcry, Stanford University investigated the incident and banned Turner from the university campus. This was the most severe punishment the university could hand out (Collins & Dunn, 2018:377). MacKinnon (1989:182) argues that when the defence of mistaken belief in consent is used, the law conceives “a cognizable injury from the viewpoint of the reasonable rapist, the rape law affirmatively rewards men with acquittals for not comprehending women's point of view on sexual encounters.” This is seen in Turner’s defence that he was only seeking “outercourse”, a sexual health term that relates to any sexual activity that does not include vaginal intercourse, and that he had received consent (Mitra, 2018).

As bell hooks (1989:43) says:

“When we dare to speak in a liberatory voice, we threaten even those who may initially claim to want our words. In the act of overcoming our fear of speech, of being seen as threatening, in the process of learning to speak as subjects, we participate in the global struggle to end domination.”

On international protests that took place over social media, Keller et al. (2018:33) echo hooks when stating that speaking can be a radical act. The very act of speaking out challenges those structures that would wish to keep the subject of speech under domination. The existence of

these protests and their legacy help to problematise rape culture and the silence that it requires to flourish (Keller et al., 2018:33). International protests have far-reaching consequences and do more than simply challenge the culture within the borders of the state it takes place in. The ripple effects are felt across the oceans and encourage those in similar positions to speak out.

2.3. South Africa

The violence faced by women in South Africa by their intimate partners is widespread in South Africa (Mahlori, 2018:1). In December 2015, Ms. Dubravka Simonovic, the UN Special Rapporteur on Violence Against Women, its Causes and Consequences visited South Africa for an eight-day period (2016:1). She found that South Africa is still influenced by its violent and segregated past, with patriarchal norms deeply entrenched in society. These norms and attitudes contribute to a way of life in which violence against women and children is accepted as a normal social phenomenon. She states that “at the core of this violence against women pandemic lie unequal power gender relations, patriarchy, homophobia, sexism and other harmful discriminatory beliefs and practices” (UN, 2016:3). Compounding this violence is the widespread use of drug and alcohol, high unemployment rates and a high incidence of HIV (UN, 2016:4). This echoes Stewart (2014) who says that “global violence against women is ordinary, mundane, everyday and unremarkable”.

It is an unchallenged fact that all gender-based violence crimes are under-reported in South Africa (UN, 2016:4). The statistics that do exist reveal levels of violence that indicate women’s human rights are being systematically violated in the country. The only centralised statistics that exist can be found in the annual South African Police Service reports, as mandated by the Sexual Offences Act (UN, 2016:4). However, these statistics are not seen as reliable due to the under-reporting of the crime. The past few years of rape and sexual assault reports, as reflected in the annual South African Police Services (2020) report can be seen below:

Year	Rape	Sexual Assault
2016/2017	39 828	6 271
2017/2018	40 035	6 786
2018/2019	41 583	7 437
2019/2020	42 289	7 749

Figure 1: Crime Statistics 2019/2020,⁵

⁵ These figures were taken from the annual SAPS statistics

Statistics South Africa released its annual Victims of Crime report in 2016/2017 and found that 250 women and 120 men per 100 000 were victims of sexual offences (Stats SA, 8). They use these estimates with the South African Police Services statistics to come up with a “crude estimate” that 138 women per 100 000 were raped in the 2016/2017 period. Because this is one of the highest estimates in the world, many have dubbed the country the “rape capital of the world” (Stats SA, 8). However, three important things must be noted. Rape statistics recorded by the police cannot be considered an accurate measure of the extent or trend of the crime (Africa Check, 2017). Secondly, there is no underreporting rate for South Africa so the number of rapes committed per year cannot be estimated. Lastly, the gathering of representative statistics of rape and other forms of sexual violence and victimisation is a complicated task, having many methodological pitfalls (Fisher et al., 2004:1-4-10).

One reason put forward to explain the underrepresentation of the crime of rape is the “real rape” or “perfect rape” stereotype (Bjornberg, 2012:23). This stereotype has become the standard of what constitutes rape. It has its roots in patriarchal thought and relies on stereotypical and sexist gender norms. This myth of the innocent virgin who is violently raped by a stranger and sustains physical injuries who reports the crime immediately afterwards to the police does not represent the reality for the vast majority of rape victims (Bjornberg, 2012:22). This is important to note because research has shown that rapes that conform most closely to the “perfect rape” stereotype are more likely to be investigated and prosecuted. They also have higher levels of convictions and meaningful sentencing. The circumstances of an assault heavily influence whether a report will be made to the police.

The problem of sexual harassment and gender-based violence is not a new one, though. UCT became the first university in South Africa to commission an inquiry into the nature of sexual harassment on its campus in 1989 (Gouws, Kritzinger & Wenhold, 2005:58). This led to the establishment of the Equal Opportunity Research Project (EORP) at the university, a unit responsible for implementing the recommendations that came from the Committee of Enquiry into Sexual Harassment. A conference held by the EORP in 1994 acted as a catalyst for the formation of the Network of Southern African Higher Education Institutions Challenging Sexual Harassment/Sexual Violence (NETSH) in 1997. This network acted as a support structure for academics in Southern Africa researching issues of sexual harassment (Gouws, Kritzinger & Wenhold, 2005:59) It was hosted by the African Gender Institute at UCT and was a resource for capacity-building and knowledge between 1997 and 2001.

Research done by academics at Stellenbosch University led to formulation of report on sexual harassment known as the LOST Report (Die Verslag van die Loodskomitee op Seksuele Teistering). The report was formulated in 1993 and then presented to Stellenbosch University management (Gouws, Kritzinger & Wenhold, 2005:60). It recommended the formulation of grievance procedures as well as a policy on sexual harassment (Gouws & Kritzinger, 2007:73). A committee of seven people were tasked with drafting a policy and grievance procedure for the university. However, fears that it would clash with “administrative law” led to a delay in its implementation. This strategic document is difficult to come by as only hard copies of it exist in the archives of the university. It was institutionalised after several years but policy changes and adoptions have made it obsolete. It was, however, one of the university’s first documents to combat sexual harassment. Key recommendations that came out it was the formulation of a formal grievance procedure for sexual harassment as well as compulsory education and training for staff and students regarding sexual harassment, among others (LOST, i-ii).

In 2002 Jane Bennett developed a handbook of resources for sexual violence /sexual harassment at higher educational institutions in Southern Africa. The goal of this handbook was to provide staff at universities across Southern Africa with practical case studies and resources to improve how they deal with sexual harassment. It provides clear definitions of important concepts such as ‘sexual harassment’, ‘gender-based violence’ and ‘gender’. The handbook aims to act as a “stepping stone” for those individuals working within higher education who want to challenge sexual harassment through advocacy, counselling, policies and/or education (Bennett, 2002:5). To what extent this handbook has been utilised by South African universities in the creation of their own sexual harassment policies is not known.

In a separate project, a group of academics came together to analyse certain Sub-South African policies regarding sexual harassment in the book *Killing a Virus with Stones* (Bennett, 2005). Researchers from Stellenbosch University, the University of the Western Cape and the University of Botswana conducted regional research on sexual harassment at tertiary institutions under the auspices of Prof. Jane Bennett of the African Gender Institute at the University of Cape Town (UCT). With regards to the ratification of university policies, Bennett (2005:38) states that:

“Implementation was not to be seen as a process whose point of origin was a text, through which official power to handle sexual harassment had been instituted; the

“point of origin” was in fact a constellation of past activities, whose legacy continued to influence those with institutional memory but whose significance would be invisible to newcomers unless given continual exposure as a valuable part and parcel of the university”.

The study engaged with issues of sexual harassment and sexual violence as part of the power of discourses around culture and tradition (Stellenbosch University, 2017:34).

The study pertaining to Stellenbosch University made a number of recommendations. It was suggested that a marketing campaign to promote the sexual harassment policy and grievance procedure be launched, and that a campus climate survey be completed on campus (Stellenbosch University, 2017: 35). It was suggested that a regular forum between stakeholders and management meet at least once per semester, and that regular communication about the completed investigations into sexual harassment be communicated through campus media. Moreover, it put forth that the disciplinary code be revised to include a definition of sexual harassment along with suitable sanctions, and that a sustainable evaluation of the sexual harassment policy and procedure be developed. Accompanying this is the assumption that the HR department takes the responsibility for training on the policy (Stellenbosch University, 2017: 35). While the report makes it clear that sexual harassment and sexual violence have been normalised on university campuses, none of the recommendations were ever implemented (Stellenbosch University, 2017: 33-35).

While the LOST report was formulated in the early 1990s and the monograph of *Killing a Virus with Stones* appeared in 2005, more than a decade later the problems with sexual harassment and sexual violence spiralled out of control on most campuses in South Africa. This saw the emergence of the #EndRapeCulture campaigns.

During the #RhodesMustFall, #OpenStellenbosch and #FeesMustFall protests that came before the #EndRapeCulture protests, students reasserted their black identity and cited numerous scholars such as Biko, Fanon, bell hooks and drew upon feminist scholars as a way of explaining their positionality in the country. Student activists relied heavily upon the theory of intersectionality during the protests (Langa, 2017:8). An emphasis was put on the need to acknowledge issues of class, race and gender and how these different forms of identities intersected within the movement and their potential for creating divisions. The South African constitution protects citizens right to protest, recognising it as an “essential form of democratic expression rather than viewing it as a threat to democracy” (Langa, 2017:9). Protest is not a

new phenomenon in South Africa, with the country's history littered with examples of mass peaceful and violent uprisings against the state and those in power. However, since the country's transition to democracy, the student protests have been interpreted as a response to the failure of the post-democratic "post-colony" to address the inequalities of the past (Langa, 2017:8).

As Gouws (2017, 3) finds, the women protesting located their feminism "from a place of black African identity in a post-colonial/ post-apartheid society, rooting feminism in black consciousness philosophy and black pain ('the personal is political')". Many students felt that the post-apartheid project had failed to change the society that was still characterised by the "exclusion and marginalisation of black bodies on the basis of class, race and gender" (Langa, 2017:8). With regards to reporting, women of colour are less likely to report sexual assault or rape than white women and women of all races are less likely to report a rape when a relationship between them and their assailant existed prior to the incident (Mendes, 2015:19).

It is for this reason that the student activists, particularly queer women of colour, chose to occupy spaces traditionally reserved for those with more privilege - namely white, heterosexual men. According to Duncan (2016:1), it is essential to acknowledge that while protests are always disruptive, they are not inherently violent. She states that protests are "acts that communicate grievances through disruption of existing societal arrangements, and bring problems in society to public attention" (Duncan, 2016:1). Various forms of this kind of protest could be seen throughout the #FeesMustFall and #EndRapeCulture protest periods, from the trans sit-ins at UCT to the topless protests at UCKAR. Therefore, protests have the potential to challenge the complacency of members of a society by highlighting important problems that must be addressed to bring about change.

UCT was an important site of protest in South Africa's 2015 protests, with many activists and academics citing the #RhodesMustFall (#RMF) protests as the catalyst for the protests that followed (Ndledu, 2017:64). Noteworthy is that it was at UCT where one of the country's first Committees of Enquiry into Sexual Harassment was launched in 1989 (Gouws & Kritzinger, 1995:2-3). After serious incidents of sexual harassment occurring on its campus, the Committee found that sexual harassment constituted a serious problem. In 1992 after a workshop on sexual harassment hosted at UCT, the remark was forwarded to the Committee of University Principals:

“The workshop participants noted with concern the unacceptably high incidence of sexual violence (including gang-rape, rape, sexual assault, battery) and harassment occurring at many universities. These were not exclusive to any university, and no university was exempt from the general problem. It was also noted that sexual violence and harassment transcended race, culture, class, gender and language barriers” (Gouws & Kritzing, 1995:3).

It was during the #RhodesMustFall protests that the first ruptures in the movement became apparent, with accusations of chauvinism being present from the movement’s inception (Hodes, 145). The conversation shifted toward gender-based violence after a woman was raped during a #RhodesMustFall building occupation at UCT (Gouws, 2017). At a photo exhibition hosted by #RhodesMustFall collective on the one-year anniversary of Chumani Maxwele throwing human faeces on the statue of Cecil John Rhodes, the UCT Trans Collective staged a nude protest to disrupt a photo exhibition (Ndelu, Dlakavu & Boswell, 2017:2). Members of the collective undressed, smeared red paint on the photographs being exhibited and blocked the entrance to the hall in which the exhibit was being hosted (Ndelu, Dlakavu & Boswell, 2017; Gouws, 2017).

In a public statement the UCT Trans Collective explained that:

“It is disingenuous to include trans people in a public gallery when you have made no effort to include them in the private. It is a lie to include trans people when the world is watching, but to erase and antagonise them when the world no longer cares. We have reached the peak of our disillusionment with #RhodesMustFall’s trans exclusion and erasure. We are done with the arrogant cis hetero patriarchy of black men. We will no longer tolerate the complicity of black cis womxn in our erasure. We are fed up with #RhodesMustFall being ‘intersectional’ being used as public persuasion rhetoric. We are saying down with faux inclusivity – #RhodesMustFall make it clear, to the world, that we are not welcome here. #RhodesMustFall will not tokenise our presence as if they ever treasured us as part of their movement. We will not have our bodies, faces, names and voices used as bait for public applause. We are tired of being expected to put our bodies on the line for people who refuse to do the same for us”.

This “trans capture” raised problems inherent in the movement, centring around inclusivity and diversity (Ndelu, 2017:72). The statement raised issues with the cis-hetero patriarchy and the erasure of trans people’s roles in the protests. This shows that while the students spoke at great

lengths about intersectionality and inclusion during the protests, they were not unproblematic in their handling of their comrades. Many students were angry about the lack of support, not only from management, but also from men and women who participated in the #campaigns and showed little solidarity with trans issues and gender-based violence.

Ndelu (2017:78) discusses “violence as a culture” as one of the ways to explore the violence often witnessed during #FeesMustFall. One trigger of this is the rise of “militarised” masculinities that use force to compete for dominance. This kind of masculinity was seen in the student movement, as well as in management when they deployed police at protests. The network of masculinities at play in post-apartheid South Africa are in competition with each other and are affirmed through force and domination over other men and over women. At universities, the students, police, security and management had to compete for space, time and dominance, often resorting to violence as a way to “outstage” one another. Collins & Dunn (2005:882) argue that those who assert their power over others through violence are able to affirm the construct of “manhood” through dominating or violating the other. This is important to consider when analysing reports of rape culture at universities, especially considering that the LGBTQ community is more at-risk to gender-based and sexual violence (Collins & Dunn, 2018:371). These kinds of masculinities were at play during #FeesMustFall and due to “specific internal and external movements” during #FeesMustFall, Ndelu ((2017:64) states that the #EndRapeCulture protests emerged.

When UCKAR convened its task team, it researched which universities already had policies that spoke to the problem of sexual harassment. They found that Stellenbosch University had the Policy on Unfair Discrimination and Harassment; the University of Cape Town had a Sexual Harassment Policy; the University of Johannesburg had a broad Harassment Policy; the University of the Western Cape had a Policy on Sexual Harassment; and the University of Witwatersrand had the Sexual Harassment, Sexual Assault and Rape Policy and Procedures (Sexual Violence Task Team, 2016:124).

2.4. Stellenbosch University

According to the university’s Centre for Student Counseling and Development, a total of 17 cases of sexual harassment were dealt with by the Equality Unit, as well as one case of sexual assault and one case of rape or attempted rape in 2016 (Stellenbosch University CSCD, 2016). However, the #EndRapeCulture Report states that four incidents of rape and/or sexual assault were reported to campus security (Stellenbosch University, 2017:16). It is not clear why the

CSCD report of 2016 and the End Rape Culture report have different figures for reported rapes on campus. The following year, the university's annual report showed only six cases of reported sexual harassment for the year (CSCD, 2017). In 2018, the CSCD report states that 10 cases of sexual harassment were reported, two cases of sexual assault were reported, and two cases of rape or attempted rape were reported (CSCD, 2018).

	Sexual Harassment	Sexual Assault	Rape /attempted rape
2016	17	1	1
2017	6	-	-
2018	10	2	2

Figure 2: Statistics of Stellenbosch University

The task team report summarised the four incidents that it claims took place in 2016 by emphasising that each incident had a unique set of circumstances. The report makes sure to emphasise that the four incidents that they were aware of cannot be taken to be fully representative of those sexual offences committed on campus that the victims fail to report (Stellenbosch University, 2017:17). The report states that rape culture is not about the individual incidents that take place but rather how the culture contributes to individual incidents.

It was in 2015 that the culture at Stellenbosch University came under harsh scrutiny. In April 2015, the Stellenbosch Student Representative Council (SRC) launched a campaign called “Shaken Silence” which aimed to raise awareness around sexual violence (Kinnear, 2015). The campaign highlighted the pervasive silence in the country and on campuses surrounding sexual violence and encouraged affected students to speak out. In August the same year, the student organisation #OpenStellenbosch called on all students to join in a march against sexual assault at Stellenbosch University (#OpenStellenbosch, 2015). First formed to challenge the language policy at the university, the organisation went on to play a pivotal role in the #FeesMustFall protests that swept the country as well as in the #EndRapeCulture protests that would follow.

It is important to note that the problematic culture around sexual harassment had been identified as far back as 1992 when Gouws & Kritzing (1995:9) conducted research at Stellenbosch

University into sexual harassment on the campus. They found that practices such as grading according to appearance, wolf-whistling and repeated unwanted invitations for dates had become institutionalised as student fun and was indicative of a problematic campus culture. They highlighted that such behaviours typical of sexual harassment had a high level of “acceptability” on the university campus. While the term rape culture had not yet been popularised in the early 1990s, these findings are in line with the concerns raised by the students protesting on the same campus 20 years later. Gouws & Kritzinga had already raised the issue of sexual harassment as part of the institutional culture of the university in 1995.

The next challenge to the culture at Stellenbosch University came in March of 2016. A petition was created by “concerned Stellenbosch students” and was addressed to Stellenbosch University Management, namely Birgit Schreiber (End Rape Culture at Stellenbosch University, 2016). This petition called for students and staff alike to sign the petition in order to put pressure on the relevant stakeholders, namely the university management, students and the SRC to play a role in ending rape culture. With regards to management, the petition demanded that management publicly condemn the Afriforum students who physically assaulted and threatened women protesters with rape on 3 March 2016. Furthermore, the students demanded that campus security be increased in number but that the security forces intervene and protect students instead of “observing the brutalization of womxn's bodies or victimising students of colour” (End Rape Culture at Stellenbosch University, 2016). This added security should not, however, be sourced from private security companies such as Pro Events or the “Men In Black” as the company employees were called on campus. The petition demanded that the university publicly acknowledge that it employed this company at “exorbitant rates to victimize protesting students”

The petition continued on to demand a public apology from the university for using the term “alleged” when referring to rape culture on campus, stating that referring to it in this way undermines the reality faced by women on campus (End Rape Culture at Stellenbosch University, 2016). The petition demanded that the CSCD become more consistent when dealing with rape on campus and that it should rank rape as “one of the most serious human rights violations” (End Rape Culture at Stellenbosch University, 2016). It claimed that due to an ineffective approach in dealing with rape and sexual harassment cases, perpetrators feel more comfortable on campus than survivors. Following from this, the petition demanded that the university acknowledge that there are rapists on the university campus that are free because

of inefficient action taken. The concerned students demanded that management provide campus with all the rape statistics from the last five years for all of the institution's campuses.

Moreover, the petition demanded that the CSCD be restructured and that its staff be retrained as they were seen as part of perpetuating rape culture on campus, as well being racially selective. The final demand for management was to expedite the implementation of the transport plan on campus since the "green" routes were no longer safe. For students, the petition demanded that all students commit to #EndRapeCulture in their relevant environments. Students were also encouraged to actively engage in discussions around #EndRapeCulture instead of responding with #NotAllMen. The petition also demanded that the SRC publicly commits to listen to the concerns of the activists who do the groundwork.

Over the first weekend in April 2016, a female student was raped and the university's rector, Wim de Villiers, released a public statement. He stated that "existing counter-measures at SU include on-going activities on our various campuses to create awareness about gender issues and sexual harassment. Consciousness-raising sessions and sensitivity training for staff members and students take place both in and outside of residences. But more systemic interventions might be required to challenge entrenched practices" (Stellenbosch University, 2017:29). He stated that after an "incident" took place in February, the Rector's Management Team appointed a task team to investigate the rape culture at the institution and make the necessary recommendations.

During the #EndRapeCulture protests in 2016, a pivotal moment that showcased the anger and dissatisfaction felt by women students occurred when a group of protestors interrupted a Woordfees⁶ event (Stellenbosch University, 2017:10). An altercation ensued after students argued that they were expected to carry the burden of challenging rape culture instead of the university. It was also during 2016 that the SRC of Stellenbosch University established a Womxn's Empowerment portfolio. This portfolio was established to raise consciousness and demand action about rape culture (Stellenbosch University, 2017:10-11).

In the aftermath of #FeesMustFall, the Economic Freedom Fighters Student Command (EFFSC) organised a mass march against the way that students were victimised and criminalised by Stellenbosch University (#OpenStellenbosch, 2016). A confrontation ensued between marching students and Afriforum Jeug members at the statue of J. H. Marais on the

⁶ Woordfees is an annual festival held in Stellenbosch.

Rooiplein⁷. According to an #OpenStellenbosch statement, the marching members separated, with some heading to Admin B⁸ to hand over a memorandum to management while others stayed at the statue. Many womxn stayed at the statue and were, according to the statement, “deliberately victimised and threatened” (#OpenStellenbosch, 2016). The statement goes on to say that when the Afriforum Jeug “found out the one of the womxn was a rape survivor they ridiculed her by shouting ‘Don’t rape her, she’s already been done’”. As a rape survivor, this womxn pinned herself against the statue, with her arms above her head, under a #EndRapeCulture post someone had placed on the statue. The group of men continued to “forcefully and painfully scrub and press through and over her body, even though she was screaming and crying, and people were begging them to stop. They poured soap aggressively over her and left bruises and scratches on her skin” (#OpenStellenbosch, 2016). It was at this stage that a different man stepped in to act as a shield between her and the men. The Afriforum Jeug followed the womxn home after the protest and sang “Die Stem” outside their homes. It was later found that the AfriForum Jeug members present were not students of the university.

In reaction to the altercation on the Rooiplein, a coalition of womxn and allies decided to reclaim their bodies the following day. They marched to a Woordfees performance and interrupted a book launch (Gibbings, 2016). A #OpenStellenbosch (2016) statement goes:

“In reaction to this, on Friday 4 March 2016, a coalition of womxn and allies, including womxn from Open Stellenbosch, decided to reclaim their bodies and protest against Rape Culture at Stellenbosch University. Institutions of higher learning remain spaces of white supremacist heteronormative patriarchal capitalism and Stellenbosch University is currently the champion of this culture.”

Media reports indicate that the protestors were bare-breasted and, on one occasion, threw wine on one of the festival-goers (Gibbings, 2016).

It was shortly after this incident at the statue on the Rooiplein that Professor Arnold Schoonwinkel, Vice-Rector for Learning & Teaching and a part of the Rector’s Management Team, initiated the formation of the university’s task team. It was initially intended to be called the “Task Team on Alleged Sexual Offences” (Stellenbosch University, 2017:28). After deliberating, the task team decided to change the name to “EndRapeCulture Task Team” in order to better reflect the work they were doing (Stellenbosch University, 2017:4).

⁷ Jan Marais Square, the area above the G.S. Library is referred to as the Rooiplein by most staff and students.

⁸ Administrative building that houses different departments of the university.

These protests were followed by the launch of the #Chapter2.12 campaign. Started on 10 April 2016 by a group called Unashamed at Stellenbosch University, a group of students covered the stairs around the library in posters with various examples of rape culture printed on them. The posters were removed by students the next day, after management told them to “clean up their mess”. The name of the campaign emerged from South African law.

According to the Bill of Rights (Republic of South Africa, 1996), Chapter 2.12 refers to the right to freedom and security of the person (or student in this case). It states:

12. (1) Everyone has the right to freedom and security of the person, which includes the right—

(a) not to be deprived of freedom arbitrarily or without just cause;

(b) not to be detained without trial;

(c) to be free from all forms of violence from either public or private sources;

(d) not to be tortured in any way;

and (e) not to be treated or punished in a cruel, inhuman or degrading way.

(2) Everyone has the right to bodily and psychological integrity, which includes the right—

(a) to make decisions concerning reproduction;

(b) to security in and control over their body; and

(c) not to be subjected to medical or scientific experiments without their informed consent.

However, as Thorpe (2016) states, the burden of memory and pain regarding sexual violence should not fall on the shoulders of survivors alone. These protests disrupt the “casual acceptance” of gender-based violence in South Africa and, in doing so, disrupt the ability to go on as though all is well. For the people protesting, the disruptions were necessary tools to raise awareness and give a voice to all those who had none.

A problem of gender-neutral university policies is that it has gendered consequences (Armstrong et al., 2006:495). Policies around alcohol use in residences and on campus in general are an example of this. In the US, only fraternities are allowed to have parties and bars. This means that men control the distribution of alcohol, as well as the appearance, movement

and behaviour of female guests. Through this, alcohol is transformed from a “mere beverage into an unequally distributed social resource” (Armstrong et al., 2006:495). In Stellenbosch, this is paralleled in the residence structure that sees men’s residences and women’s residences held to different standards. Men’s residences reflect the concentration of attitudes that privilege men in society while women’s residences reflect attitudes that accept women’s position in a patriarchal society (Stellenbosch University, 2017:20). This concentration of culture can be misread as the cause of problems in the culture instead of a reflection of the culture.

2.4.1. The work of the SU task team

The task team brought together by university management was set up in March 2016 with the goal of generating recommendation on how to understand and address the culture and alleged sexual offences. The task team identified the problem of rape culture as everyone’s problem, thereby making everyone a part of the solution. The head of the task team was the then Director of Student Affairs. It was made up of individuals employed by the university from Communications, the Central Disciplinary Committee, the Centre for Student Counselling and Development, Facilities Management, two academics and eight rotating students (Stellenbosch University, 2017:38). This composition will be discussed in Chapter 4, but it was a point of contention for some on campus. How the members were chosen is unclear.

According to the report, “the Task Team facilitated events, conversations, training programmes and initiated projects and programmes which not only facilitated our understanding, but also enabled the wider SU community to join the discussions about RapeCulture” (Stellenbosch University, 2017:4). The task team based much of their research and recommendations on the work of Tracy Bailey, with the following key principles being identified: monitor; leadership; grassroots: students and staff; and advocacy coalitions. The report stated that the task team decided to avoid “prescriptive lists of recommendations” in order to aim for system-change approach.

The task team defined rape culture as the “attitudes, beliefs, behaviour and practices that normalise gender discrimination and sexual violence, including rape” (Stellenbosch University, 2017:9). They stated that the behaviours commonly associated with rape culture include “gender discrimination, sexism, victim blaming, sexual objectification, ‘slut shaming’, trivialising rape, denial of widespread rape, refusal to acknowledge the harm caused by sexual violence be that implicit or explicit, or some combination of these that lead to sexual violence becoming so normalised that rape and gender violence is not viewed as a serious problem”

(Stellenbosch University, 2017:9-10). However, the task team report noted that rape culture also includes “subtle behaviours and subconsciously held attitudes and beliefs” that underpin the patriarchal society in which it is embedded (Stellenbosch University, 2017:9-10).

The recommendations of the task team were created with the aim of changing the behaviour, beliefs and attitudes of students and staff on campus, as well as changing the institution as a whole (Stellenbosch University, 2017:23). More specifically, the report outlined three aims of the recommendations, namely “re-shaping the SU environment, culture and climate; re-educating SU leadership, students and staff; and equipping students to be agents of change in society beyond SU” (Stellenbosch University, 2017:23). The report stated that the task team aimed to make the recommendations sustainable by embedding them in mechanisms that are integrated into the institution as a whole (Stellenbosch University, 2017:3). One example of a sustainable recommendation is the establishment of a monitoring committee that will act as an accountability mechanism.

In 2017, the university published an article that announced its intention to set up a permanent mechanism to monitor rape culture and gender-based violence on its different campuses (Corporate Communications, 2017). This is in line with the recommendations of the task team report. A part of the activities of this monitoring mechanism include the compilation of an annual climate survey in order to present a rape culture report to the Rector’s Management Team. The monitoring function was set to be housed in the Equality Unit. At the time of writing, the first climate survey was being conducted on campus.

2.5. University Currently Known as Rhodes

Official figures at UCKAR are hard to come by. According to the Rhodes Disciplinary Record, three rapes, two cases of sexual harassment, two cases of gender violence and eight cases of sexual assault were reported between the years 2010 and 2016. The findings relevant to this discussion are summarised in the table below:

	Rape	Sexual harassment	Sexual assault	Assault with gender violence as aggravating factor
2010	1			
2012	1			
2013	1	2	2	
2014			3	2
2015			4	

Figure 3: Statistics of UCKAR

The findings in the report include sanctions. For instance, in 2014 a case of assault was investigated with gender violence as an aggravating factor (Rhodes University, 2014b). The mitigating factor stated is that the student apologised in writing and the sanction was 100 hours of compulsory community service, as well as one-year exclusion from RU suspended. The harshest penalty was meted out in 2010 when a student was academically excluded from the institution for 10 years after being found guilty of rape, assault and harassment (Rhodes University, 2010). In 2013, two of the cases of sexual harassment were referred to mediation at the request of the complainant (Rhodes University, 2013). Of the 16 cases investigated over the five-year time period, six of them are recorded as “under investigation” in the reports. This leads to ambiguity as it is not clear which cases are new or carried over into the next term. For instance, the rape case under investigation in the 2012 report was classified as “pending” and in 2013 a case of sexual assault and rape was acquitted. It is conceivable that these are the same case, but it is not specified.

Challenges to the rape culture at the UCKAR started in 2006 with the launch of what would become an annual Silent March (Seddon, 2016; Chengeta, 2017). In 2016, Seddon (2016) was a member of faculty at what she referred to as UCKAR. She stated that the Silent Protest was, at the time, the largest protest against rape and sexual violence in South Africa. She was a part of the Gender Action Forum (GenAct), a committee set up in 2004 to “provide a gender perspective on the formulation, revision and, implementation of institutional policies, including drawing up protocols and mechanisms dealing with discrimination, sexual harassment, and assault” (Seddon, 2016). However, what started nearly a decade prior to the #EndRapeCulture protest would pave the way for students to occupy campus properties, confront accused rapists

(in a public way) and criticise university management for perpetuating rape culture (Hodes, 2016:145).

The protests at UCKAR started in unison with that of Stellenbosch University on Monday 11 April 2016 (Wazar, 2016). Through the #Chapter2.12 poster campaign, “alleged” incidences of the university’s failure and refusal to address sexual violence were displayed all over campus (Chengeta, 2017). The posters raised issues around the inadequacies of the sexual assault policy, the failure to remove perpetrators from university campus and the insensitive treatment that student survivors were met with by university staff. However, shortly after the posters went up, the Campus Protection Unit removed them, leading students to put posters up once more, starting a photo campaign and hanging a banner outside the library reading “WE WILL NOT BE SILENCED” (Seddon, 2016).

Shortly after the poster campaign was launched, an anonymous post on the ‘RU Queer Confessions and Crushes’ Facebook page went viral (Seddon, 2016). Wryly titled “RU Reference List” - a snub at the academic requirements against plagiarism which can lead to exclusion from the academic institution - the post contained eleven names. While not stated, it became clear that the names on the list were those of male students accused of rape. On 17 April 2016, students mobilised and called for the resignations of those on the list who held leadership positions and brought together over 200 people in support of the cause against sexual violence (Seddon, 2016; Parker & Tadepally, 2016). This list soon came to be known as the #RUGReferenceList and symbolised the disillusionment and betrayal felt by students at the UCKAR with management's willingness and ability to deal with injustice on campus. Fittingly, the slogan that came to dominate during this protest was #PartiarchyMustFall (Meth, 2017:101). The role of social media platforms such as Facebook, Twitter and WhatsApp cannot be underestimated in this movement. Shortly after the publication of the list, a group of students met at the student centre and decided to march to the male residences, with the apparent intention to round up the men on the list. Threatening to take matters into their own hands, the group of students did manage to find three of the men on the list. Dr Sizwe Mabizela, Vice-Chancellor of UCKAR, condemned these actions as unconstitutional and in violation of the rights of the alleged perpetrators since it disregards the presumption of innocence (Meth, 2017:100).

However, as Constitutional Law expert and professor, Pierre de Vos, explains that “the South African Constitution does not guarantee for anyone the right to be presumed innocent by

ordinary citizens until proven guilty in a court of law” (De Vos, 2017). He explains that Section 35(3)(h) of the Bill of Rights guarantees the right for everyone to have a fair trial, which means that a person be presumed innocent at that trial. This entails that those presiding at the trial treat those on trial as innocent. However, this does not apply to ordinary citizens as they do not preside over trials and do not have the power to “convict the accused or to deprive them of their liberty” (De Vos, 2017). These protests therefore raised questions around how to balance the right of the accused with the rights of the abused in a constitutional democracy (Seddon, 2016). The Vice-Chancellor added that the university could take no action against the students on the list until they had been found guilty of a crime (Chengeta, 2017).

The response from the university management angered the students and intensified protest action. In response to a university shutdown by students, management interdicted students as well as staff and involved the police (Meth, 2017:100). The use of police during the protests against sexual violence has been called ironic since the university’s management kept the police at bay during the #FeesMustFall protests in 2015 but called them to campus to arrest students protesting against sexual violence (Meth, 2017:101). An interdict against three student protestors, the SRC and anyone else engaging in “unlawful activities on campus” was issued later on the same day that protesters had been arrested on campus on 20 April 2016 (Chengeta, 2017). The students named in the interdict were accused of kidnapping and assaulting two male students who were suspected of rape or sexual assault, disrupting classes at the University, damaging and destroying University property, and erecting barricades at the entrance to the University (Ferguson and Others v Rhodes University). The institution stated that the interdict was filed “after numerous failed attempts at containing an escalating and volatile situation on campus and only as a way to safeguard the safety and security of its community and property” (Chengeta, 2017). According to Seddon, this was proof that the UCKAR had not committed itself to ending sexual violence on its campus (Meth, 2017:101). Seddon was among 38 staff members who opposed the interim court interdicts that the university applied for against the protesting students. Management argued that the interdict was a last resort - invoked to prevent the threat of violence on campus if students take the law into their own hands (Seddon, 2016). This has been challenged by staff and students.

This urgent interdict was used against three students and later opposed when the university sought to make it final in court. The students, with the support of the 38 staff members, opposed this at the High Court (Ferguson and Others v Rhodes University). While the high court limited the scope and application of the original interdict, it did confirm the interdict against the three

students. When the applicants applied for leave to appeal and failed, the court ordered the students to pay the university's costs of the application. The Supreme Court of Appeal stood by this ruling and dismissed with costs an application made to it for leave to appeal. The students eventually approached the Constitutional Court, which set aside the cost orders of the High Court and the Supreme Court of Appeals finding that "it would be appropriate if the parties were ordered to bear their own costs, in both the application for leave to appeal in the High Court as well as in the Supreme Court of Appeal" (*Ferguson and Others v Rhodes University*). This legal process took just over a year. One of the students continued her legal battle after she was permanently excluded from the university and her transcript was endorsed with the words "Unsatisfactory Conduct: Student found guilty of assault, kidnapping, insubordination and defamation" (*Rhodes University v Student Representative Council of Rhodes University and Others ('Rhodes')*, 2019).

Some of the demands put forward by the students during the protests ranged from demanding that certain university employees step down following their "extremely callous" treatment of victims in the past as well as that all staff at the university should undergo sensitivity training (Parker & Tadeppally, 2016). Moreover, they demanded that a team should replace the single harassment officer who managed all cases of abuse and assault as more resources were needed. It was recommended that the sexual assault policy in place at the time must be changed to adopt broader definitions of rape as well as a shifting of the burden of proof, which the current policies placed on the victim. Recommendations also stated that current and past sexual assault charges should be taken into account and have consequences (Parker & Tadeppally, 2016). Other demands ranged from the Health Care Centre and the Counselling Centre staying open, suspending those charged with rape from residences and ensuring that student activists aren't penalised from engaging in protest action.

Before these protests, members of the staff and student body joined together annually for a silent protest. For over a decade, the university brought together allies and survivors to raise awareness about gender-based and sexual violence in society and at universities (*Gender Transformation at Institutions of Higher Education*:14). The Silent Protest became a Vice-Chancellor's special project in 2014, after staff mobilised and advocated internally to secure the project an organisational home (Seddon, 2016). Soberingly, one of the staff members actively involved in the process came to the conclusion that: "It suited my university management to support the Silent Protest; to support protests against rape culture when they remained precisely that: silent" (Seddon, 2016).

Notably, a feature length documentary titled *Disrupt* was made by student media organisation Activate in collaboration with the Chapter 2.12 movement during this time. Released in May, *Disrupt* features on the ground footage from when the protests first started and interviews with staff and students of the university (Activate Online, 2016). The use of police force on students and the workers of the university receive considerable attention, with those affected being interviewed. A sobering moment takes place toward the end of the documentary where student Khensani Maseko, then SRC member, was interviewed (Activate Online, 2016). She discussed the controversy that occurred after a member of the SRC was accused of rape. She explained that during a SRC meeting, an anonymous experiment led to two members of the SRC indicating that they had committed acts of sexual assault during their time at Rhodes. While nothing comes of this, what is sobering is that Khensani Maseko would go on to commit suicide two years later in 2018 after being raped by her boyfriend (Carlisle, 2018). This was a rape that UCKAR was aware of and in the process of investigating.

It must be noted that while conducting research for this thesis, all links to the university's sexual assault protocols at times turned up a blank page save for the phrase: "Not Found. The requested URL /media/rhodesuniversity/content/institutionalplanning/documents/Best Practice for dealing with Sexual Offences committed against students.pdf was not found on this server". This made it difficult to find the policy documents that a survivor would need when seeking help after being harassed or raped.

2.5.1. The work of the UCKAR task team

As a direct result of the protests, the university established a Sexual Violence Task Team (SVTT) to investigate sexual violence on the campus and look at ways to combat the culture students were protesting over (Meth, 2017:101). According to the SVTT Report (2017:111), the terms of reference for the task team were decided on in an "open, participatory fashion". Roughly 120 staff and students worked together in seven working groups and the work done was compiled into the final report. Spearheaded by Professor Catriona Macleod, Professor in the Psychology Department at UCKAR, the task team was established to explore avenues to create a counter-culture to rape culture at the UCKAR.

The task team comprised of various sub-task teams as well as a steering committee that consolidated all of the reports of the sub-committees into the final report (Sexual Violence Task Team, 2016:1). In the 174-page report, six major issues are identified for consideration, namely: "creation of safe spaces for complainants; review of policies and procedures;

curriculum issues; systemic issues; local and national dialogues; and monitoring and evaluation of implementation of recommendations” (Sexual Violence Task Team, 2016:17). In the acknowledgement section of the report, the first group named are the RUReferenceList protesters “for their activism in putting the issue of sexual violence and rape culture at the forefront of thinking in this University and in the Higher Education sector in general” (Sexual Violence Task Team, 2016:vii). It goes on to say that “whatever any particular individual may think of the methods used, the protests raised an important and neglected area of focus,” which goes a long way in acknowledging the importance of these protests in contributing to the formation of the task team and any changes brought about as a result. The report clearly lays out it’s 93 recommendations in its executive summary, with ten overarching recommendations discussed in the first four pages.

The task team concluded that the best way forward was to adopt a “three-pronged justice approach” to dealing with the problem of sexual harassment at the university (Sexual Violence Task Team, 2016:1). The conceptual approach recommended draws from the principles of:

- “a. retributive justice (support for people who opt to use the criminal justice system; internal disciplinary procedures);
- b. remediation, mediation, and restorative justice (processes whereby harms are acknowledged and amends made);
- c. reparative justice (systemic processes that address the gendered norms underpinning rape culture).”

Additionally, the report recommended that a dedicated Sexual Harassment Office be established to oversee all issues relating to sexual harassment and violence under the Equity and Institutional Culture Office or the Office of the Vice-Chancellor (Sexual Violence Task Team, 2016:2). However, the report recommended that a Harassment Office be established and that the Sexual Harassment Office be located in it, as the task team recognised that that sexual violence is deeply imbedded in multiple overlapping power relations. This would further the prevention and disciplining of hate speech and discrimination at the university.

While the report acknowledged the existence of several policy documents dealing with sexual violence and harassment, the report recommended that one comprehensive policy should be created to deal with sexual offences pertaining to rape, sexual violence /assault and harassment (Sexual Violence Task Team, 2016:2). This comprehensive policy should include all

procedures relating to staff and students and should bear in mind the three-pronged justice approach that also formed a part of the recommendations. The report also recommended that the Policy on Eradicating Unfair Discrimination and Harassment be revised and potentially include the revised Sexual Offences Policy (Sexual Violence Task Team, 2016:3). This revision would help to eradicate ambiguities in the various policy documents and define the responsibilities of role players and stakeholders involved in the process.

The recommendations go on to state that summarised, easy to read documents of the policies should be created and made accessible online and in spaces that students frequent often (Sexual Violence Task Team, 2016:3). In line with this, a support network that includes advocacy officers/peers should be created for complainants. In this way, complainants can be offered a choice of support advocacy officers/peers after making a report. These so-called support advocates would be volunteers well-versed in the internal and external policies and procedures that will enable them to provide informative support. They should also, according to the report, receive training in basic listening and containment skills, enabling them to provide emotional support to the complainant. These support advocates would be required to take an oath of confidentiality and provide regular updates to the Manager of the Sexual Harassment Office. These support advocates are not the same as, nor do they replace, the reporting officers responsible for receiving the complaint and following up through the appropriate channels. However, the report does note that those officers in charge of reporting must be trained in taking statements under oath as well as following the correct procedures in terms of obtaining medical examinations (Sexual Violence Task Team, 2016:3).

With regards to reporting, the report (Sexual Violence Task Team, 2016:4) recommends various options that should be open to complainants who lay a complaint within the university, namely:

- a. Strong support for the complainant to lay a charge through the CJS should that be her/his decision (nobody should be coerced into this option though);
- b. Internal disciplinary procedures in which sanctions are applied for the misconduct of sexual violence/ harassment if proved on balance of probabilities;
- c. Restorative Justice Procedure in which a restorative justice conference results in an acknowledgement of harm and the making of amends;

d. Mediation between parties with a trained mediator facilitating the process (it is recommended that a clear distinction be made between mediation and restorative justice; it may be inappropriate for more serious cases and cases where there is a large power differential to be resolved in this manner as mediation implies resolution of a conflict rather than a form of justice);

e. Remedial Discussions where the complainant does not wish to pursue any of the above, but the University feels that the complaint is of a sufficiently severe nature or there is evidence that the alleged perpetrator has offended more than once (recommended procedures for this are contained in the body of the report).

The last overarching recommendation made by the SVTT pertains to the structures of accountability that would be needed for the proposed Sexual Harassment Office (Sexual Violence Task Team, 2016:4). The report recommended that the Gender Action Forum of the university should oversee the implementation of the task team mandates through the Sexual Harassment Office. Regular reports should be made at the meetings of the Gender Action Forum as well as the Equity and Institutional Culture Committee. These reports should contain formal, anonymised records of all reports of sexual harassment at the university and should be made public.

The report goes on to discuss retributive justice, mediation and restorative justice, remedial discussions, reparative justice and all the sub-issues that relate to each theme (Sexual Violence Task Team, 2016:4-22). The recommendations and discussions of each theme are extensive, with effort taken to discuss existing avenues as well as potential new ones. Whether all of the recommendations have been adopted and carried out as laid out in the report is unclear and will only be clarified through interviews with the relevant stakeholders.

2.6. Aftermath of task team recommendation

At Stellenbosch University, following recommendations from the #EndRapeCulture Report released in 2017, Thembelihle Bongwana was appointed as the Gender Non-Violence Coordinator at Division Student Affairs Stellenbosch University (Mlambo, 2018). This appointment came as the university announced that a “gender non-violence response be set up to ensure culture change and the sustainability of culture change” (Mlambo, 2018). This is in line with the recommendation put forth by the task team that all sectors at Stellenbosch University should take responsibility for changing the culture. One of the primary responsibilities laid out for the portfolio is to “develop a comprehensive institutional response

to gender violence and rape culture” at the university (Mlambo, 2018). Moreover, the portfolio is responsible for networking, promoting and forming strategic alliances both institutionally and outside of the university. This is so that a “comprehensive institutional strategy aimed at preventing, raising awareness and monitoring of gender related forms of violence, discrimination and victimization” can be coordinated (Stellenbosch University Corporate Communications, 2019).

At UCKAR, Dr Zethu Mkhize was appointed as a Harassment and Discrimination Manager in the Directorate for Equity and Institutional Transformation in September 2018 in response to the recommendations made by the Sexual Violence Task Team (Grocott's Mail Contributors, 2018). Part of her responsibilities include advocacy and awareness-raising with regards to harassment, discrimination, sexual assault and violence as well as general transformation. The coordination of all complaints made by the university community fall under her responsibilities as well as the developments and monitoring of policies, programmes and training related to her office. However, as Muzenda (2018) writes, many feel that after the university acted harshly after expelling two students for their involvement in the student protests in 2017. One student, Siya Nyulu, was banned from Rhodes University for a year and Yolanda Dyantyi was banned for life (Muzenda, 2018). This happened when both women were in their final year of studies and set to graduate from the university.

The UCKAR came under the spotlight again when a student committed suicide in August in 2018 after being raped earlier that year (Fengu, 2018; Nowicki, 2018). Khensani Maseko, mentioned earlier in the chapter with reference to the student film *Disrupt*, had reported the rape to the university a month before her death. The university issued a statement explaining that the “alleged perpetrator” had been suspended in the wake of her death (Fengu, 2018; Nowicki, 2018). The SRC announced a formal academic shutdown following news of her death and the university organised a march in honour of her life (Nowicki, 2018; Pather, 2018). At this march, staff and students expressed anger about the work that had been done to combat rape culture in the two years following the #Chapter2.12 and #RURerenceList protests (Nowicki, 2018).

Chapter 3 Research Methodology and Design

3.1. Introduction

The aftermath of the #EndRapeCulture protests included the formation of task teams at the University of Stellenbosch and at UCKAR. These task teams received similar mandates and came up with a set of recommendations that, to varying degrees, held their institutions responsible for implementing certain changes. The extent to which these recommendations have been implemented and the extent to which they have challenged rape culture on the campus is unknown. It is the aim of this research to study the implementation of these recommendations by interviewing key informants at the institutions. This will help to gauge which contributions to ending rape culture were made as a consequence of the appointment of task teams and their recommendations.

This chapter will explore the concepts and theories relevant to feminist theoretical investigation as well as the methodology surrounding case study analysis of Stellenbosch University and UCKAR using semi-structured interviews. As discussed in the first chapter of this thesis, a broad feminist lens will be employed during the research process. Liberal, radical and intersectional feminist theories will be employed when studying the rape culture at Stellenbosch University and UCKAR campuses. Since women are placed in contradictory social locations and are often constructed as both subjects and objects, they have an “outsider within” advantage when placed as research subjects (Sprauge & Kobrynowich, 1999:39 in Bjornberg, 2012:35). This subjectivity provides an epistemological advantage to studying women. They exist in different social locations, ranging from class, ethnicity, race and sexuality. No single standpoint exists from which to consider research questions and the broad church of feminism often finds itself divided.

3.2. Feminist Theoretical Framework

A broad feminist lens will be adopted during this study. The topic of rape and rape culture is deeply implicated in prescriptive gender roles and traditional heterosexual sexual scripts, which makes a feminist analysis of the problem useful. Acknowledging that power imbalances exist between men and women, both generally and within relationships, makes feminist theory helpful in explaining the concept of rape culture (Conroy et al., 2015:1834). Hust, Rogers & Bayly (2017:197) use what they call an interactional feminist perspective to discuss the role power plays within social and sexual interactions, and how power imbalances can affect the negotiation of sexual consent between individuals. This gendered power imbalance is used to

explain why women are disproportionately affected by sexual violence perpetrated by men, with a gendered division existing between victims and perpetrators (Price, 2005; Spencer et al., 2017).

A multi-pronged feminist perspective will be drawn upon to explain how power plays a role in all social and sexual interactions and how an imbalance in power can affect how consent can, and can't, be negotiated between individuals (Hust, Rogers & Bayly, 2017:197). By acknowledging the gendered power imbalance that exists in society, it helps explain why women are disproportionately affected by sexual violence perpetrated by men (Price, 2005; Spencer et al., 2017). This also helps to explain the gendered division that we see between victims and perpetrators.

Placing women's experiences at the heart of research is central to the argument for feminist knowledge creation. Harding (1987:7) argues that by adopting a feminist standpoint one is able to access knowledge that is "socially situated". She contends that feminist knowledge is different from non-feminist research in that it is less partial and distorted than male-centred knowledge. Throughout this research, I will draw upon the two ideas espoused by Harding, namely reflexivity and strong objectivity. Harding (1991) argues that feminist objectivity acknowledges that "knowledge and truth are partial, situated, subjective, power imbued, and relational. [and] The denial of values, biases, and politics is seen as unrealistic and undesirable."

Before delving into specific streams of feminism, I hope that by exploring the problem of rape culture through the lens of feminism it will aid in explaining why rape culture exists and why sexual assault occurs. Feminist theories will be useful in answering these questions as well as exploring why men have little to fear under the current cultural climate. Much of this has to do with power which will be considered something that makes or renders someone capable or able to do something. Arendt (1972, 276) states that "power is capacity, potential, ability, or wherewithal". Liberal feminism views power as a resource while both radical and intersectional feminism view it as something that dominates (Allen, 2016).

The impact of feminist research can be summarised as follows (Sarantakos 2005; 60): It

- helps to reconstruct the domain of conventional research;
- brings to surface neglected aspects of social reality;
- adds a new view (lens, prism) to the perception of the world;

- draws attention to problems in the conduct of social research;
- challenges gender ethics, female subjugation and discrimination;
- produces evidence that put gender in a new context;
- helps to raise women's consciousness and empower them;
- frees social research from 'androcentric blinkers';
- offers a legitimate basis for social change in the area of gender;
- raises issues that help to redefine the notion of humanity.

Nevertheless, feminism is not an easily reducible theory and there exist many different schools of feminism. Liberal, radical and intersectional feminism will be briefly explored before there use to this research will be explored.

3.2.1. Liberal feminism

The use of liberal feminism lies in its ability to work within a current system, be it political, social or economic, and push for both policy and educational change (Baehr, 2018). Drawing on the tradition of liberal thinking, this theory views all humans as rational creatures that are deserving of equal treatment under the law. It is rich with human rights literature, and the assumption that all humans share basic human rights is the engine of change for the theory. When women are not treated as equal before the law, women's personal autonomy is jeopardised. Personal autonomy can be viewed as the ability to live life as one chooses while political autonomy is viewed as being involved in the creation of the conditions under which one lives. When personal and political autonomy of women are not respected it leads to autonomy deficits (Okin, 1989:89). The current gender system, or rather the patriarchal nature of society, is to blame for these autonomy deficits according to the liberal feminist tradition.

Liberal feminists therefore see it as the responsibility of the women's movement to identify the traditions and systems inherent in the patriarchal system in order to remedy the situation. The state is viewed as responsible for protecting and promoting the autonomy of its citizens, therefore constructing the state as an important ally in the women's movement for combating the patriarchy (Baehr, 2018). Power — that capacity, potential, ability, or wherewithal mentioned earlier — is considered a resource by the liberals. Ultimately, power is seen as a positive social good that is unequally distributed among men and women at present (Allen, 2016). Liberal feminists seek a way to redistribute this resource through equal opportunities so that the scales of power are balanced between men and women.

Liberal feminism is useful in analysing university policies that aim to do away with inherently harmful and sexist practices. Words on paper are used to encourage cultural shifts and attitude change. Institutions are seen as important in the fight for equality and are expected to be allies in the women's movement on campus. This is all well within the range of liberal feminism. Many legal documents and institutional policies use liberal terminology to analyse the problem of rape culture. It can also be expected that any policy change that will take place following the protests will take a liberal feminist stance.

3.2.2. Radical feminism

Radical feminism, on the other hand, is necessary in order to illustrate that the potential of reforms, policies and educational efforts are constrained by the patriarchal system and will only truly work once the system has changed. By acknowledging that women and their narratives face systematic doubt, radical feminists help to elevate women's voices. The radical feminists, therefore, take issue with liberal feminism and its focus on the individual and so-called free choices that individuals make (McAfee & Howard, 2018). While the liberals will focus on redistribution of power and reform for individuals, radicals focus on structures of domination that are larger than any individual. The larger structure of patriarchy and how it positions women to be objects of men's desire is what radical feminists consider the real problem of gender inequality (Welch, 2015). The source of power differentials, which some radicals like MacKinnon view as male sexuality, is studied in order to get to the root of male domination (McAfee & Howard, 2018). The reform of power relations, therefore, is a point of contention between liberals and radicals with liberal feminism envisioning reform through law and policy change and radicals envisioning the eradication of the system of patriarchy.

Unlike liberal feminists, the radical school understands power in terms of dyadic relations of dominance and subordination (Allen, 2016). MacKinnon (1987:123) states the difference between men and women is "a distinction not just of difference, but of power and powerlessness... Power /powerlessness is the sex difference". Gender difference is seen as a function of domination, in which men are powerful and women are powerless. Frye (1983:03) draws on MacKinnon and views total power as "unconditional access" and total powerlessness as "being unconditionally accessible". This is indicative of how women are objectified as sexual objects, always accessible, for men who hold the economic, social, political and sexual power. Power, therefore, is the ability to manipulate the control of access. Furthermore, Pateman (1988:182) understands the social contract that legitimises political control over

society as a sexual contract that established the “law of male sex-right”, essentially “securing male sexual access to and dominance over women”.

Radical feminism, then, helps to explain why under-reporting occurs generally and on university campuses. Students protesting in 2016 identified the university as a structure of domination that upholds the patriarchy. Radical feminism accepts this diagnosis of the problem of gender inequality and rape culture. However, the students did call for policy reform and redistribution of power, showing that both liberal and radical feminism were at play during the protests.

3.2.3. Intersectional feminism

Intersectional feminism finds its roots in black feminism, which has a long tradition of studying the interconnections between racism and sexism. Prominent black feminists, stretching back to the 19th century, include Maria W. Stewart, Ida. B. Wells, Anna Julia Cooper, and Sojourner Truth (Allen, 2016). However, the contemporary understanding of the term comes from the work of Kimberlé Crenshaw, a feminist legal theorist. In 1991 she critiqued single-axis frameworks for understanding domination and oppression in the context of legal discrimination. Her issue was with the single-axis frameworks treating categories like race and gender as mutually exclusive with regards to experience. In other words, the early writings on intersectionality came from a critique of especially radical feminism’s essentialisation of identity, prioritising gender above all else (Gouws, 2017:20). Recent literature on intersectionality shows a move away from single-axis thinking to matrix thinking, specifically with regards to domination (Gouws, 2017:20). May (2015: 21) defines this matrix of domination thinking as follows: “Intersectionality highlights how lived identities, structural systems, sites of marginalization, forms of power, and modes of resistance ‘intersect’ in dynamic, shifting ways.”

Crenshaw (1993) differentiates between structural and political intersectionality. Structural intersectionality pertains to “the ways in which the location of women of colour at the intersection of race and gender makes [their] actual experience of domestic violence, rape and remedial reform qualitatively different from that of white women” (Crenshaw, 1993: 3). Political intersectionality, on the other hand, refers to the way in which “both feminist and antiracist politics have functioned in tandem to marginalize the issue of violence against women of colour” (Crenshaw, 1993: 3).

While a philosophical debate exists about whether identities are based on real difference or simply a history of oppression, it is also worth considering whether these identities should be embraced when they have historically been used to keep individuals oppressed. With regards to feminism, intersectional writers' question whether there is any real "essence" of woman and, if so, how the category of woman could represent all women (McAfee & Howard, 2018).

Gouws (2017) adds to this when discussing the matrix of domination at play during the protests that erupted on South African campuses in 2015. She finds that the #EndRapeCulture campaign was a kind of "'performative intersectionality' combined with the 'politics of the spectacle' that managed to capture the materiality of the body and how sexual violence can reduce the body to mere flesh" (Gouws, 2017:26). Race intersected with gender and class during this movement, seeing protesting students supporting workers at tertiary institutions and embracing marginalised sexualities.

Power is viewed in a similar vein by intersectional feminists as radical feminists - as inherently oppressive. As Allen (2016) argues, the goal of the theory of intersectionality is to develop a "single framework for analyzing power that encompasses sexism, racism, class oppression, heterosexism, and other axes of oppression in their complex interconnections." However, May (2015:28) argues that intersectionality centres power in a "multipronged" way - as moving in different ways at the same time. Power, therefore, is seen as evolving out of "histories of struggle that pursue multidimensional forms of justice" (Gouws, 2017:21).

Intersectional feminism was drawn on heavily during the protests, with identity factors from race to class to sexuality being highlighted by the protesting students. This intersection of identities contribute to how a victim will be treated by the system they encounter (Spencer et al., 2017:168). The more marginalised or "othered" a victim feels relative to the system, the less likely they are to trust mechanisms within that system to protect them. Moreover, allegations of chauvinism were made during the #FeesMustFall protests. The theory of intersectionality can help to explain why women felt side-lined during what was meant to be an intersectional protest. As the UCT Trans Collective⁹ stated, cis-hetero patriarchy was still prevalent during the protests in 2015. With regards to the #EndRapeCulture campaign, race, gender and sexuality were foregrounded, as well as the dynamic and fluid relations among them (Gouws, 2017:24).

⁹ See page 26

3.3. The Role of Policy

As briefly discussed in Chapter 1, the work of Carol Lee Bacchi will be instrumental to approach the role of policy. When student activists framed the problem of rape culture as an institutional one that permeates through society, they identified common lived experiences among themselves and mobilised around that. The institutional response was to form task teams that would investigate the problem identified by student activists. However, it is not clear whether the way that the task teams framed the problem mirrored the way the student activists framed it.

By examining the task teams and their reports, the way that rape culture is “produced” as a kind of problem will be identified. This is in keeping with Bacchi’s (1998) “What’s the Problem” framework. According to this framework, problem representations are not judgement free. Language and the words used to define problems become increasingly important, especially because they place the onus for change on a certain party. With regards to sexual harassment policies, words determine whether the onus is placed on the woman to determine whether she perceives her experience correctly or whether it is placed on the man and his behaviour as undermining “the equal provision of the bases of self-respect” (Bacchi, 1999:185). Moreover, Collins and Dunn (2018:374) argue that policy responses are often only enacted when risk needs to be mitigated and masculine privilege needs to be protected.

MacKinnon (1989:176) has warned that policies and laws that aim to protect and divide the most vulnerable people in society can become a device for doing the opposite. Special protections have therefore not always played a role in preventing or deterring the high rates of sexual abuse found in society. This can be because culture develops in response to institutional arrangements and any educational efforts are unlikely to change anything if arrangements do not stop facilitating patriarchal practices (Bacchi, 1999; Armstrong et al., 2006). If laws and policies do not address structural and systemic manifestations of the problem, these interventions will only reinforce the patriarchal gender structures.

By keeping the warnings of the academics mentioned in this section in mind, it is hoped that I will be able to gauge whether the policy changes and recommendations put forward by the university task teams are sincere in their aim to combat rape culture.

3.4. Research Methods

This research project utilises case study design with qualitative research methods. Out of the universities that garnered media attention in 2016 during the #EndRapeCulture protests,

Stellenbosch University and UCKAR were identified as the cases to study. Out of the universities where students stood up against rape culture, it was these two institutions that mandated the creation of task teams to investigate the problem.

It is worth noting that the main assumption of a case study design is that the phenomenon being investigated can be considered a “bounded system” (Henning, Van Rensburg & Smit, 2004:32). This bounded system, in the case of this research, is the university campus - insofar as a campus can be considered to have boundaries. It is expected that jurisdictional problems may arise when considering where a campus can be said to begin and to end. As noted in Henning et al (2004:32): “The unity of the system depends partly on what you want to find out.” Heale & Twycross (2018:7) define a case study as an “intensive study about a person, a group of people or a unit, which is aimed to generalize over several units”.

Before individual cases can be studied, it is necessary to examine the data and research that already exists. Primary and secondary data was collected through journal articles, online news sources and relevant books in order to understand the phenomenon of campus rape and rape culture better, as well as the specific context of gender-based violence in South Africa better.

In order to determine whether the conditions on university campuses where protests took place have improved, it is necessary to interview those who were involved in the aftermath of the protests. The task teams investigated the culture on their campuses and produced reports which contextualised the reasons students were protesting. The task teams also came up with recommendations, as discussed in chapter 2. By interviewing those involved in the initial protests as well as those involved in the formulation and implementation of the recommendations, I expect to gauge whether conditions on campuses have changed.

As mentioned in the beginning of the chapter, a feminist lens will be applied to the research. Since feminists have not specifically created a method that they solely utilise, existing research methods are used and adjusted to meet feminist principles. In this way, the data collection through document analysis and through the interview process becomes a feminist method. Moreover, semi-structured interviews become the principal means by which feminists seek to “achieve the active involvement of their respondents in the construction of data about their lives” (Graham, 1984 in Reinharz, 1992:18).

Harding (1987:7) argues that feminist research is distinctive in that it “generates its problematics from the perspective of women’s experiences”. For this reason, much of the data that I build my research on is research that looks at the problem of gender-based violence and

rape culture from the experience of women. The scholars and thinkers I rely on are ones that identify themselves as feminist. While my primary data collection doesn't lend itself toward this kind of feminist methodology that only includes the voices of women, I try to incorporate it when selecting authors to lay out the context in Chapter 2.

3.4.1. Sample: Setting and respondents

In order to identify the key informants for the research project, I made practical considerations. Only universities in the Eastern and Western Cape and only universities that created task teams to investigate rape culture were considered for the research. To further narrow it down, I chose two universities as this would be appropriate for the scope of a Master's thesis. Therefore, participants have been chosen from Stellenbosch University and the University Currently Known as Rhodes.

In order to adequately study the effectiveness of the task teams and the implementation of their recommendations, three sets of key informants were identified: student activists, task team members and support staff. In order to keep the size of the sample appropriate for a Master's thesis, only two participants per category per university were selected. Staff members were chosen based on their position in the university and their closeness to implementing the relevant policies. Task team members included the heads as well as one or two other members who could be identified from the list of members provided in each report. Lastly, activists were chosen based on who was active in the protests. Snowball sampling was used to find student activists willing to participate.

These participants were best able to aid me in answering the research question. Support staff are those participants who are responsible for implementing the recommendations put forward by the task team. By understanding their position in their university, as well as the challenges they face, they could answer for the pace of change at the university. The task team members were expected to provide clarity on the process in which the recommendations were put forward, as well as the constraints that the task teams faced. The student activists were expected to provide a critical voice to the research. By interviewing women who helped lead the protests, it was hoped that the challenges facing students at the time would be better understood in order to ascertain whether the situation has improved or not.

By using semi-structured interviews, I hoped that those being researched would be given a more active part in the research process (Letherby, 2011:64). This method also makes me as a

researcher more vulnerable, therefore balancing the power imbalance that may exist between me as the researcher and those that I interview.

Harding (1987:9) states that “the class, race, culture, and gender assumptions, beliefs, and behaviours of the research her/himself must be placed within the frame of the picture that she/he attempts to paint”. This is a feminist praxis of self-reflexivity. By adopting this praxis, feminist researchers avoid distancing themselves from the subject being studied and put themselves in the same critical position as the subject matter. Therefore, I will make my own personal insights and feelings explicit where necessary and acknowledge my standpoint in the #EndRapeCulture protests. As a white, South African woman studying the prevalence of rape culture and gender-based violence in our society, I recognise that I am implicated in what I am studying. I was considered an activist before, during and after the #EndRapeCulture protests. This helped increase my access to people within the movement. I have also worked within university support staff structures, which gave me privileged access to the support staff at Stellenbosch University. What I study affects me and people around me. This changes how I approach the subject matter. I believe that feminist research should help serve the interests of women in my society and expose cracks in the systems we are made to rely on.

3.5. Data Collection

With regards to the collection of primary and secondary data for the first two chapters of the thesis, academic journals, books and news sources were analysed. These different sources came from online and hard copy sources.

The participants were identified differently depending on which key informant group they belong to. The student activists were identified according to news sources and snowball sampling was used to contact the different activists. Task team members were listed in the final report of each university. The head of each task team was identified and contacted and then another member, or two in the case of UCKAR, was chosen. Support staff are listed on the university’s website and discretion was used when deciding on who to contact for interviews.

The interviews were arranged after ethical and institutional clearance had been granted. Since I was based in Stellenbosch, few resources were required to conduct interviews with the participants located there. I had to travel to Grahamstown (Makhanda)¹⁰ to conduct interviews

¹⁰ The city, formerly known as Grahamstown in the Eastern Cape region of South Africa, has recently (2018) changed its name to Makhanda. For the purposes of this thesis, due to the events being studied having occurred prior to this name change, I will refer to Makhanda as Grahamstown.

with participants based at UCKAR. In the case of participants that were not located in either of those locations, Skype and email interviews were conducted. In-person interviews were expected to take 1 hour to 1 and a half hours long.

I was granted ethical clearance for Stellenbosch University first and started conducting my interviews from September 2019. Once I received my ethical clearance from UCKAR, I started to send out emails to potential participants in October 2019.

3.6. Data Processing and Analysis

Once the interviews were transcribed, I analysed the individual responses for content and for discourse. All interviews were conducted in English, so no translation was needed. After each interview was transcribed, the researcher made notes on any observations that needed to be examined.

3.7. Ethical Considerations

I have considered the potential ethical implications of the research undertaken. Before approaching any of the potential research participants, institutional clearance and ethical permission was requested from the relevant institutional bodies at both Stellenbosch University and UCKAR. The procedures of the research were explained to the participants before the interview process, in the form of a letter of consent and verbally. It was explained to them that they were in no way obligated to take part in the research project and if they felt uncomfortable, they could leave at any time. It was explained that their names and identities could be kept out of the final report to provide anonymity, and the risks to waiving this anonymity were also explained. Confidentiality and anonymity were stressed when explaining the consent form so that participants understood their positional identities would be protected. The participants were informed that the interviews would be recorded, transcribed and stored by the researcher so no one else would see the transcripts. Consent forms were handed to each participant before the interview and each participant signed it. These forms explained that the research was approved by the relevant ethical committees. No financial compensation was offered. It was made clear that the participants could ask questions during or after the interview process and the contact numbers of the researcher and her supervisor were given to them.

3.8.1. *Reliability and validity*

When conducting small scale qualitative research, it is important to consider both the reliability and validity of the research findings. Validity refers to the accuracy and truthfulness of the research findings, or the extent to which something is accurately measured (Brink, 1993; Heale

& Twycross, 2015). Reliability, on the other hand, refers to the consistency, stability and repeatability of a measure (Brink, 1993; Heale & Twycross, 2015). In other words, it is “the extent to which a research instrument consistently has the same results if it is used in the same situation on repeated occasions” (Heale & Twycross, 2015:66). The researcher, participants and social context can all act as risks to reliability and validity (Brink, 1993:35-36).

To the extent that the researcher oversaw the collection, transcription and storage of the qualitative data collection, it is reliable. The sample is small, but the participants were carefully selected for their knowledgeability on the topic at hand.

3.9. Research Limitations and Delimitations

It must be noted that the results of these interviews will only offer selected insight into the implementation of the task team recommendations. While the participants chosen will be those who have been or currently are working in the area of combatting rape culture, they will not be able to speak for the entire campus. As Hammersley (2011:28) states, “While it is true that we may be led astray by subjective factors (whether conceived of as mental, inner, inexplicit, particular or whatever), it is also the case that we are inevitably dependent upon personal knowledge, capabilities and motivations in producing any evidence or conclusions.” Limitations to the research also arose after support staff at UCKAR declines to participate in the research, thereby shrinking the size of my respondents. I made many attempts over a nine-month period but no one agreed to be interviewed.

3.10. Conclusion

This chapter has situated the research question in a feminist theoretical framework and has introduced qualitative methods for the interview process that will follow in the next chapter. It has argued that feminism, specifically aspects of liberal, radical and intersectional feminism, are suitable for the analysis of the research question.

Chapter 4 A case study of Stellenbosch University

4.1. Introduction

The first manifestation of #EndRapeCulture started at Stellenbosch University under the banner of #Chapter212. This movement grew from other student protests that emerged the year before and tied in with student unrest in other parts of the country. A task team was subsequently formed by the university and its report and recommendations were released the year after the protests in 2017. In order to further understand how effective these processes have been, the first part of this chapter will briefly look at the institutions policies on sexual harassment and rape. The parts of the policies relevant to the research question will be highlighted and discussed. The second part of the chapter will explore interviews the researcher held with key informants, namely task team members, support staff and student activists.

4.2. Policies at Stellenbosch University

4.2.1. Unfair Discrimination and Harassment Policy (2016, September)¹¹

This policy was created to “state the principles and provisions for addressing unfair discrimination against and harassment, sexual harassment and victimisation of staff and students at Stellenbosch University, which includes the adoption of positive measures to prevent and protect staff and students against unfair discrimination, harassment, sexual harassment and victimisation, as well as the establishment of procedures for dealing with complaints of unfair discrimination, harassment, sexual harassment and victimisation within the institution” (Stellenbosch University, 2016b:1). The scope of the policy is discussed in section 3 of the policy and states that it is “to guide all policy and procedural documents and

¹¹ The #EndRapeCulture report discusses this policy. The report states that a practical manifestation of this policy was the establishment of the Equality Unit at the Centre for Student Counselling and Development, Division of Student Affairs. The purpose of this unit is to coordinate, educate and raise awareness around sexualities, gender, HIV/AIDS and anti-discrimination in partnership with different campus structures in order to establish a culture of restorative justice on campus (Stellenbosch University, 2017:18). Mediation is seen as one of the preferred ways of dealing with matters, in cases where it can be applicable and appropriate. Mediation is a voluntary, confidential once-off facilitation of communication between two parties (directly or indirectly) by a trained mediator, the aim being an amicable resolution to any conflict or dispute, based on the principle of shared humanity” (Stellenbosch University, 2017:19). The policy does however emphasise that “mediation is only one intervention for sexual and gender violence. Rape is a criminal offence and incidences of rape are, therefore, part of the criminal prosecution and justice system” (Stellenbosch University, 2017:19).

principles that relate to unfair discrimination, victimisation, harassment and sexual harassment at SU” (2016b:3). Definitions which are discussed in the fifth section, and are pertinent to this thesis, are harassment and sexual harassment¹² (Stellenbosch University, 2016b:4-5):

5.5 Harassment is defined as “unwanted conduct which demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences, and which may be persistent, once-off or serious and may relate to –

5.5.1 sex, gender or sexual orientation, or

5.5.2 a person’s belonging or presumed belonging to a group identified by one or more of the prohibited grounds or characteristics associated with such group.

Sexual harassment (Stellenbosch University, 2016b:5-6), on the other hand, has a longer and more nuanced definition. It is described as:

5.9. behaviour typically experienced as offensive, which may include sexual approaches and which often are made within the context of a relationship of unequal power or authority; sexual harassment is a form of discrimination on the grounds of gender, sexual orientation or sexuality; it is unwanted and may be experienced as an expression of power, authority or control of a sexual nature; it creates a hostile environment that prevents those concerned to learn or work to capacity.

Sexual attention becomes sexual harassment if the behaviour persists (although a single incident of harassment can constitute sexual harassment, too), if the complainant has made it clear that the behaviour is considered offensive and/or if the respondent should have known that the behaviour would be regarded as unacceptable.

Perceptions diverge regarding the kind of behaviour that constitutes sexual harassment, ranging from unwelcome sexual attention, sexist or suggestive remarks and bribery or extortion (e.g. positive rewards for sexual favours) to aggressive behaviour (e.g. attempted or actual rape). Sexual harassment thus covers a broad spectrum of unwanted behaviour, including the following:

¹² It is worth noting that the separate the policy that was developed and implemented by the Sexual Harassment Advisory Task Team (as discussed in Chapter 2) was incorporated into the bigger harassment policy. It is not a separate policy anymore.

5.9.1 verbal harassment, such as unwelcome enquiries regarding a person's sex life, telephone calls with a sexual undertone, continuous rude or sexist jokes or remarks, jokes with sexual innuendo, unwelcome requests for dates and remarks about a person's figure;

5.9.2 nonverbal harassment, such as leering, gestures with a sexual meaning and persistent unwelcome flirtation;

5.9.3 visual harassment, such as displaying pornographic photos, comics, objects, et cetera that create a hostile environment;

5.9.4 physical harassment, such as unwelcome contact through patting, pinching, fondling, kissing, pawing, assault, molesting and rape; and

5.9.5 quid pro quo harassment, such as sexual bribery (e.g. promising a promotion in return for sexual favours) and sexual extortion (e.g. refusal to promote people if they do not consent to granting sexual favours).

The principles discussed in the sixth section are the foundation of the policy: equity and equality as a strategic priority; responsibility; and employment equity practices (Stellenbosch University, 2016b:7). These principles are in line with the constitutional mandate of the country as well as legislation. The responsibility mentioned relates to the sharing of responsibility to all university stakeholders when it comes to the principles laid out in the policy.

In section seven of the policy, it states that: "The University recognises that certain kinds of offences are not suited to being mediated, for example if the alleged infringement is serious. Care must also be taken to ensure that settlements, even when agreed to by both parties, are appropriate and fair" (Stellenbosch University, 2016:11). Moreover, it states that when mediation proves unsatisfactory, the Equality Unit and the University must collaborate by following the grievance or disciplinary process.

Mediation is stated as the preferred course of action when a case is lodged however, disciplinary investigation is also listed as an alternative to mediation. This is important to note as concern has been raised by student activists over the use of mediation when allegations involved sexual harassment or violence, specifically rape.

Noteworthy to mention is that there are no mentions or definitions of gender-based violence in this policy (or any institutional policies).

4.2.2. *Disciplinary Code (2016)*

The most up-to-date Disciplinary Code of Stellenbosch University (2016a, 7) defines sexual harassment as having the “meaning assigned to it by University’s Policy on Unfair Discrimination and Harassment, and is one of the forms of Sexual Misconduct”. Sexual Misconduct, on the other hand, is defined as “behaviour towards, or communication with, another Student in a manner that is sexually inappropriate, harassing, coercive, or violent” (Stellenbosch University, 2016a:8).

The purpose of this disciplinary code is to provide a framework for good decision-making by providing clear rules for acceptable student conduct. However, it notes that “the restoration and healing of the University Community as a whole and the relationships amongst individual members are at the heart of its purpose” (Stellenbosch University, 2016a:9). The sanctions imposed by the institution will “take cognisance of the efforts made to restore relationships and will, in addition to the established aims of punishment and deterrence, serve to rehabilitate and educate offenders and where persons found guilty of misconduct and where appropriate, sanctions will contribute to the restoration and healing of the University Community as a whole, the relationships amongst its Student Communities and individual members of the Student Community” (Stellenbosch University, 2016a:9).

It is important to note the following:

9.2.2 Notwithstanding a charge being laid with the South African Police Services against the Student, and / or notwithstanding pending court proceedings in which the Student is an accused, the University may, but is not required to, proceed with and conclude Disciplinary Proceedings against a Student in terms of the provisions of this disciplinary code, if the conduct complained of also constitutes a distinct and independent Disciplinary Misconduct (Stellenbosch University, 2016a:16).

This is important because, as discussed in previous chapters, rape is an underreported crime. South Africa especially has low reporting rates.

On the issue of sexual misconduct, the policy (Stellenbosch University, 2016a:19) keeps it brief:

12.1 No Student may behave towards or communicate with any person, on any part of Campus, in a manner that is sexually inappropriate, harassing, coercive, or violent.

12.2 No Student may behave towards or communicate with another Student or University employee or Functionary in a manner that is sexually inappropriate, harassing, coercive, or violent, regardless of where the prohibited behaviour takes place.

12.3 In addition, sexual harassment, as defined in the University's Policy on Unfair Discrimination and Harassment, constitutes Sexual Misconduct.

Moreover, the policy goes on to explain that any reports of discriminatory misconduct and sexual misconduct must be dealt with by the Equality Unit. However, if the Head of The Equality Unit deems it necessary, a case may be referred to the Central Disciplinary Committee (CDC) (Stellenbosch University, 2016a:26). A further exploration of the university's procedures regarding sexual misconduct will be explored in the analysis of the Policy on Unfair Discrimination and Harassment below.

The policy (Stellenbosch University, 2016a:22) examines the circumstances under which a student may be temporarily suspended. These include, within reason, if the Rector fears that:

19.1.1 the continued attendance of the Student poses an imminent threat to the order and discipline at the University;

19.1.2 the continued attendance of the Student poses a real and urgent danger to the mental or physical well-being of fellow Students and other individuals on Campus;

19.1.3 that the continued attendance of the Student poses a real and urgent risk of serious damage being done to the University's property; or

19.1.4 the person's continued presence on Campus may be to the detriment of the investigation by (a) interfering with evidence and/or (b) influencing of witnesses.

This is important because an alleged rapist, especially one accused of repeat offences, would pose a real and urgent danger to students. The presence of a rapist on campus would also pose a real danger to the mental well-being of their victim/s.

The CDC has the ability to impose sanctions that range from the payment of a fine, a written warning, the publication of the particulars of the offence on appropriate notice boards and/or the imposition of an "appropriate restorative, rehabilitative or punitive assignment, including community service, of not more than 50 hours at an appropriate organisation or body"

(Stellenbosch University, 2016a:42)¹³. Additional sanctions include the deprivation or suspension of student privileges, the forfeiture of examination results as well as a bursary or loan granted by the university, the cancellation of a degree or diploma improperly obtained and/or expulsion from the university and residence. However, the proportionality between the misconduct and the sanction imposed must be considered, as well as the mitigating circumstances and the interest of members of the university community.

The flowchart below is provided toward the end of the policy to explain the process of investigating an “ordinary case” (Stellenbosch University, 2016a:54).

¹³ It is unclear if this has ever occurred on campus, but it does not seem likely.

¹⁴ RDC - Residence Disciplinary Committee. DAC - Disciplinary Appeal Committee. MSD – Manager Student Discipline. ADR- Alternative Dispute Resolution. CDC – Central Disciplinary Committee.

4.3. Findings from interviews

As mentioned in other areas of the thesis, three groups of key informants were identified for the study. These are task team members, support staff and student activists who were involved in the 2016 #EndRapeCulture protests, or who currently work in policy implementation. Two task team members and two activists were chosen. Due to the nature of the support structures, it was deemed necessary to include three support staff members. This brings the total number of participants at Stellenbosch University to seven.

In the hope of protecting participants institutional identity, names and employment details will not be mentioned and pseudonyms will be used. As gender identity is an obvious identifier for some, all participants will be gendered as women and the pronouns “she/her” will be used. The key informant sections will be grouped together and the main themes and perceptions that emerged from the interviews will be summarised below.

4.3.1. Task team member findings

Both members became involved in the task team after the Rector and Deputy Vice-Chancellor initiated the Task Team after a series of sex crimes which were more public than prior to that time. The Rector and Deputy Vice-Chancellor nominated staff and students. The nominated people were put on a list that was circulated to the rectorate, senior staff and academics after which an invitation to nominate staff and students was circulated. In the case of this task team, an initial meeting was held with nominated people after which they were asked to invite others if they felt wider consultation was needed. Human rights and a gender-focussed lawyers were also consulted. This task team represented the different sectors of student affairs and corporate communications but seemed to lack academic representation.

Each participant was asked the following questions:

1. How do you understand rape culture and sexual harassment?

Andromeda explained that the term rape culture expresses the trauma felt and experienced by women (those experiencing themselves as victims/survivors of male patriarchy) and its cultural-social practices and perceptions and power asymmetries associated with it.

For her, “the term expresses the outrage we (I identify with women, female, victim/survivor) feel and the anger we want to scream at the world.”

However, she stated that she held ambiguous feelings around the term. She views it as a non-strategic term which does not advance the cause of seeking a fairer, more equitable, less abusive

world where gender is not used to objectify or categorise. She also felt that the term did not reflect the experience of men (those people associated with power, dominance and male hegemony) and that men often could not understand conversations women had about it. She felt that it alienated the very people that need to be engaged. She also felt that the term normalised rape as a culture – as if the rape culture is common, acceptable and equivalent to other cultural practices like handshakes, Sundays as holidays, eating muesli for breakfast. She worried that by calling it a culture, we mis-say what we mean.

“Yes,” she said, “it is as widespread and pervasive, ubiquitous and engrained ‘like’ a culture, but a culture it is not.”

Lyra identified rape culture as the norms, ideas, attitudes and beliefs that are supported by a sort of environment that normalises non-consensual sex in any form. In a symbolic form or in an actual behavioural form. Sexual harassment, for her, includes a wide range of behaviours based on a person’s gender and sexuality. For her, it is a very acute symptom of sexism.

2. What was your perception of the work done by the task team while involved? Did this perception change after the report was published?

Andromeda felt that a lot of emotive, vociferous, highly charged contributions were made during the meetings, with little follow-up or contributions of real work. Due to the change in members over the period the task team operated, this member felt that many opinions were heard.

Lyra remembered the early days of the task team being comprised of a lot of conversations around the issue of rape and the amounts of incidents. She remembered feeling frustrated because the incidents themselves were not the focus of the task team.

There was a lot of pressure on the task team from the media and student protests, which created anxiety around the way the university was handling the issues at the time the task team was meeting. The task team meetings took place over a long span of time and she felt that a lot of those meetings were spent re-establishing a sense of common understanding, often making the time spent unproductive.

However, she noted that an unintended consequence of the task team was getting service providers into regular meetings, which in turn led to better collaboration and awareness. In this way, the task team helped to coordinate otherwise uncoordinated voices and brought students in.

Her view on the importance of the task team was that it helped all the members leave and incorporate the conversations and lessons into their own work. From the task team flowed the student and staff training workshops (Res-Ed and Siyakhula) that incorporated themes around rape culture and sexual harassment. The material for these training sessions grew from the conversations started during #FeesMustFall and then the task team.

3. How did you get involved in the task team?

Andromeda said that the Rector and Deputy Vice-Chancellor initiated the Task Team after a series of sex crimes which were more public than prior to that time.

Lyra said that she was invited to serve on the task team by the Chair. She understood that a brief that was given to Student Affairs and they were asked to convene a task team.

4. Do you feel that the rape culture on your campus was challenged as a result of the #ERC protests?

Andromeda felt that the rape culture had changed since the implementation of the recommendations. She felt that the task team contributed to the “noise” during 2016. She mentioned the “terrible incidence of gender violence” on Stellenbosch University's campus during 2016 and stated that, at the time, massive gaps and omissions were present in the university's policies and processes. She felt that many of these helped to correct many of these gaps and omissions.

This member measured progress in tangible changes such as staff and student training. Both trainings are now embedded in the subsequent structures. Other tangible changes that she spoke of included security, the strengthening of the Equality Unit as well as the changes in reporting to Senate and Council. In her opinion, the recommendations changed the system, the culture, the practices and the awareness of the university's staff and students. However, she did not ascribe this to the recommendations alone.

She said that “there was an appetite to make it better and change during 2016/2017 around rape culture and gender issues. But then I look at the news now at end 2019 and I am horrified at the gender violence, the overall social interpersonal violence and anger and I feel hopeless.”

Lyra agrees that the culture was challenged by the protests. She felt that the vocabulary of campus changed and that certain terms were normalised. She felt that normalising the concept of rape culture was difficult initially. She found that staff learned a great deal from the student

protests since they would go online and educate themselves on problems being raised by the students. However, she stated that the task team and the protests could not be compared but that she felt the task team was the first institutional sign that the university was incorporating these ideas in their way of working. She felt that the way the movement and the protests worked was on a real, authentic personal level and that institutions do not work on that deep level.

5. Did you consult the broader student community?

Andromeda said that the student community was consulted. The task team had a number of media releases and an open email address for submissions, ideas and suggestions. The team had a number of meetings with individual students and staff who didn't want to join the task team but felt they wanted to say or contribute something. She felt that rape culture encompassed more than just the student community and that the staff, institutional practices, outreach and community work must also be considered. Their role was also focused on equipping students to become change agents after leaving Stellenbosch University, meaning that student training focussed on citizen activism rather than just the university campus.

Lyra said that, while students were involved, their involvement fluctuated over the two-year period. She also felt that the process was procedurally dominated by staff. Staff disagreements in the task team made it harder for students to participate, meaning that students didn't participate as equals. She said that the way that task teams work mean that they follow a process that don't give students a voice. The only way she felt this could be changed is to have large group student meetings with less staff represented where the conversation is on a different basis and a different setting, like in the student areas in the evening.

4.3.2. *Support staff findings*

Each of the three participants were asked the following questions:

1. How do you understand rape culture and sexual harassment?

Aquila felt that everyone contributed to norms, standards and behaviours that enforce rape culture. Therefore, rape culture is culturally created and enforced, like a cycle of socialisation about patriarchal masculinity being dominant. She believed the culture was in the everyday norms found in families, the church or even on the street. For her, the culture was pervasive, in 95% of society. However, she did not know how those norms, values and standards became violent behaviour, specifically perpetrated by straight men. She believed that our country, and many others, are sick.

Orion saw sexual harassment as any uninvited gestures or behaviour that are sexual in nature. She believed that rape culture can emerge in subtle forms that are hard to detect. Rape culture for her was encapsulated in jokes and non-physical forms of behaviour whereas sexual harassment can be physical in nature.

Gemini felt that rape culture was entrenched in the way we do, view and think about things. It could be on an unconscious level that we don't even know that we're doing it, making it a challenge to tackle head on. It becomes entrenched in an institution and the way it functions. She understood sexual harassment as anything that makes you feel uncomfortable in terms of someone speaking to you, sitting next to you, touching you, even looking at you and the way they engage with you. Any activity, verbal or non-verbal, of a sexual nature that makes you feel uncomfortable can fit the description.

2. Was there a policy pertaining to sexual harassment or gender-based violence prior to the protests? Who made it?

Aquila works with the policy now said that technically there was a stand-alone sexual harassment policy in the past. Two task teams were created, and one worked to review the stand-alone sexual harassment policy and one worked on creating the unfair discrimination policy. After working separately, they merged into one.

Orion stated that there wasn't a policy in 2016 but that most universities across South Africa are striving to obtain such policies now. Universities South Africa and the DHET (Department of Higher Education and Training) are trying to ensure that rape culture, sexual harassment, gender-based violence across universities are prioritised and mitigated.

Gemini stated that there was a policy specifically for staff pertaining to sexual harassment. This policy was driven mainly by Professor Amanda Gouws and Mr Louis Vlok from the CSCD. Gender-based violence was encapsulated in it but it wasn't really mentioned by name. So, the basic definitions were there but it wasn't really written in detail. She believed that it was ground-breaking for a first policy, but that as new challenges emerged a new policy was needed.

3. Were you involved in the making of the policy?

Aquila was not involved in the making of the old sexual harassment policy. She said that the problem with the original stand-alone policy made in the early 2000s was that there wasn't an

office or a staff member or a unit responsible for implementation. So, responsibility was very decentralised and ad hoc.

Orion was not involved in the making of the making of the older sexual harassment policy or the Unfair Harassment Policy.

Gemini was involved with the revision of the staff sexual harassment policy as well as the creation of the Unfair Harassment Policy. While the sexual harassment policy was undergoing a review process, students started complaining that there was no policy to protect them from discrimination at university.

“At that point there was nothing in the university's whole archive and library of documents that actually told them that ‘you are safe on this campus and we do have things in place to protect you’,” she said.

At that stage an anti-discrimination policy was imagined, and a working group started work on it. These parallel processes continued for a few months and at a stage it became apparent that they complemented each other. The two processes were merged, and the Policy on Unfair Discrimination and Harassment was born.

4. What is your experience with the implementation of the policies pertaining to sexual harassment /violence?

Aquila explained that she has vast experience with the implementation of the policy. After picking upon gaps in the policy, she put in a formal request to review the policy and to integrate gender-based violence into it. At the time, there wasn't a definition of gender-based violence in the policy. She hoped to potentially integrate the stand-alone HIV/AIDS policy for staff and students into this policy as an additional addendum, as was very old and past review.

Orion, while not actively involved with the implementation of the current Unfair Harassment Policy, was not happy with the way the policy was being implemented. She found issue with the burden of proof being placed on the victim. She did not believe that the preferred method of mediation (outlined in the policy) was effective when dealing with issues pertaining to gender-based violence. She felt that more often than not, people had to reconcile, and nothing was resolved because the accused faced no real consequences. About the policy and the structures implementing it she said: “it's like a dog really - but with no teeth.”

Gemini felt that the establishment of the Equality Unit helped the university implement the policy, saying that it is the hotspot for everything needed to drive the policy. The unit has its roots in the HIV Office, but it underwent a name change and the university empowered it by creating more posts. She says that what made implementation difficult in the initial stages was resistance from line managers. A lot of people viewed the Equality Unit as a threat for their own positions and Human Resources became difficult to work with, especially regarding matters of staff.

5. Generally speaking, do you think the policies pertaining to sexual harassment and assault are effective or is it just another policy on paper that nobody uses?

Aquila felt that it could be effective if everyone, including staff and students, know about it, understand it and use the services available. However, she felt that many people at the university were either ignorant or apathetic about the policy. She noted that there was fear in coming forward for survivors of sexual harassment, gender-based violence and racism.

Orion did not feel that the policy had been effective for students. She felt that it was easy for things to slip through the cracks because the current policy watered things down. She had experience with students where she worried that the systems in place would fail them. She said: “You know that the student will not be satisfied with the process and [I] worry how they will live throughout their academic year in Stellenbosch when they still have to face this person.” She also worried that staff were not adequately protected by the current policy.

Gemini said that at the time of interview the policy was being reviewed. She felt that the policy did a lot in terms of making people aware and facilitating difficult conversations on campus. It made reporting cases of discrimination easier and created a framework for how to refer and deal with cases appropriately. The policy had not, of course, led to the eradication of all discrimination on campus. With regard to what wasn’t working and had to be reviewed, she highlighted the role of social media. This is because of how the social media landscape had changed over the past few years and because of the role social media plays in students’ lives. She noted that a policy can only lead to some changes. She said: “If we really want to implement recommendations from the policy then we would need to look at how we get to behavioural change. And for that you literally need every part of the whole system to buy-in.” She mentioned the number of complaints received between students and supervisors. She said: “Even in educated communities, the creme de la creme, they fail to adhere to their boundaries

and misuse that relationship. This is the part that makes it difficult to eradicate unfair discrimination because all those variables play into this one big mix up that we sometimes get.”

6. In your view, how could or should the policy be changed or improved?

Aquila stated that Addendum A and B of the Unfair Harassment and Discrimination Policy needed to be altered. The processes and practical side could be improved based on the practical experience of support staff and clients (staff and student) feedback. She felt that the stand-alone policy was very strong but that it could be strengthened with additional definitions and scopes, such as gender-based violence and victimisation. The release of the national policy framework for gender-based violence in the post-secondary education sector gave very strong and succinct recommendations to all universities. Two of the recommendations given were either a stand-alone gender-based violence policy or a strongly integrated overarching policy. Stellenbosch University was looking at additional definitions and additional addendums, saying that the request to have it added as an addendum came from the Equality Unit. The CSCD was looking to have fewer policies at the time of interview. One of the challenges they identified was that people don't know where to go after an incident occurred, saying that some people still find the old sexual harassment policy online. She indicated that “if there is one policy with practical addendums that speaks to all forms of unfair discrimination, harassment, sexual harassment, gender based violence, victimisation in one place with all of the protocols and processes and services available in one document, it will really clean up the environment in terms of users side in order to find how things work.”

This member felt that, in terms of the implementation side, a policy wouldn't necessarily be stronger if it's stand-alone. She said: “If you have a stand-alone gender-based violence, stand-alone sexual assault, stand-alone unfair discrimination, stand-alone victimisation, stand-alone HIV, that doesn't mean that an issue gets more attention or gets implemented better.” She felt that maybe in terms of public opinion or optics, it looks good to have multiple stand-alone policies. However, from a practitioner's side it doesn't make the work easier, change the onus or the importance of how it needs to be implemented.

Orion felt that staff should have a separate policy than students so that staff can deal with staff issues, since it pertains to complex, professional workplace matters. However, she felt that the powers that be do not want separate policies and rather want everything built into the existing Unfair Harassment Policy, which she didn't think would work.

Gemini said that where the institution was in 2016, 2017, 2018 and where it is now is vastly different. She felt that not enough attention was given to gender-based violence in the initial policy and that it should be encapsulated in the revised policy. The policy should also change its scope to empower the Equality Unit to make quick decisions when circumstances dictate. She mentioned the Purple Face incident as an example of this¹⁵. She said it was chaos because everyone referred to the Equality Unit in everything they told the media and the Equality Unit didn't know what to do. Other things that weren't working in the current policy was the relationship with Student Discipline, specifically the point at which Student Discipline needed to take over from the CSCD. At the time of the interview, overlaps occurred, and clients would get confused. She felt that the Equality Unit should be given more investigative power, roles and a mandate so that the CSCD would have to rely less on Student Discipline. She explained that Student Discipline often conducted a preliminary investigation to determine whether the case should first be handled by the CSCD or by them. While this occurred, CSCD would start an exploration or investigation of their own. Problems arose when students got confused about who was actually dealing with their case and who they should refer to.

7. How do you feel about the policy and your role in implementing it?

Aquila viewed the policy positively because it is a living document that the institution follows. She believed that their office was just one part of the puzzle and that their empathy skills go far in supporting complainants, survivors and/or victims. The links between the different role players could definitely be improved upon in their opinion. However, she felt that due to the nature of the work they do, they were not able to always respond to specific criticism. She also felt that there should be a shared responsibility between the CSCD, faculties and the residence environments

Orion feels that there is nothing to implement when it comes to gender-based violence because there is no policy that mentions it. She said: *"This is the thing, this place will make you think you have the power to do things when in actual fact power is vested in certain people. There are layers and layers and layers within the hierarchy which you cannot even begin to peel yet. In instances like that you can't have power. Implementation is only directed by those high at the top. According to what they see fit, or how to masquerade certain things. That's the truth."*

¹⁵ The Purple Face incident occurred early in 2016 when two women from a female residence dressed up as purple aliens for a residence event. Photos of the two women on social media were edited in such a way that made it look like blackface. This sparked national outcry and led to much confusion when it turned out the women had been painted purple, not black.

Gemini explained that having been involved with the development of the policy from the beginning means that they felt pride in the final product. However, she admitted that most people underestimated the effect the policy would have on the CSCD. The centre had often found itself embroiled in controversy, which was another thing no one anticipated. She felt that being able to work with staff and students who have gone through something and make it better for them is amazing. The kind of stories she encountered were sad and often debriefing sessions needed to be organised for those who worked with victims and perpetrators. She did feel that the unit still had a long way to go before it was perfect.

8. What are the structures implementing the policies? Where are they placed?

Aquila said that the structures were placed primarily within the Equality Unit. The Unit had an advisor's system which allowed them a broader perspective on matters. This comprised of an online referral to four advisors to help push them in the right direction in terms of possible outcomes aligned with the needs of the complainant. The Unit also had a mediation programme, which this member felt there was a lot of misperceptions around (for example, students come to believe that the unit forces mediation upon victims). She explained that for more complex matters there was also an advisory panel, which she felt worked well since they could recommend a case be referred to the CDC. She said: "The Equality Unit makes findings; they don't find people guilty." They make recommendations to stakeholders at the university and those stakeholders choose to implement them if they can.

Orion knew that the Equality Unit worked together with Legal Services and other institutional stakeholders.

Gemini explained that there is supposed to be a whole university approach. The primary role players were the Equality Unit, the CSCD, legal services, student discipline and the Transformation Office. Entities like Deans and Faculties with university staff were also a very important part in the puzzle. The centre for student communities and student leaders also played an integral role in communicating to the rest of the student population.

9. What, in your opinion, is the true state of sexual harassment /violence on campus?

Aquila felt that campuses (and that includes Stellenbosch University) were significantly safer than other communities or non-university spaces. She assumed that the incidence would be lower on campus than elsewhere in the country. Sexual harassment, sexual violence and abuse, in her experience, was much more severe amongst young people that weren't at university.

Stellenbosch specifically is a previously advantaged and currently advantaged university so they had a lot of additional services that other universities and communities might not have had. This included 24-hour psychological and medical intervention, therapists, social workers, campus security, facilities management and CCTV. She believed that campus security did not need to be reactive, rather they felt that their presence on campus deterred certain behaviour.

She felt that the university needed data to better respond to the problem of gender-based violence on campus. A part of this would be to send out the student climate survey campus-wide (as recommended by the #ERC task team). This would help because they felt that many survivors wouldn't go to the Equality Unit, never mind SAPS, but that they would engage with the psychologists provided. Because many students would choose to go to private psychologists or go directly to SAPS without engaging with the university, a campus-wide survey would help to capture hidden data.

Orion felt that Stellenbosch was like any other high-classed institution which was very reputable and would go to all lengths to protect its reputation, its name and anything attached to it. Due to that, she felt there could never be a true state of affairs when it comes to official, documented complaints being made public. She felt that this was a disservice to the students who did encounter rape culture on the campus and felt that people would not believe that it could occur at the specific institution or town. She felt no one could know that true state of affairs but that there were cases being reported, especially over weekends. Students were raped, often by people they knew. When they turned to the university for help, they were offered the route of mediation.

Gemini felt that the institution and society definitely didn't know how big the problem was. She felt that issues often build on each other and reach a tipping point on university campuses, often resulting in protest action. At the time of interview, protests around gender-based violence on campus were occurring and the university received a lot more reports than normal. However, many of the reports were about incidents that had taken place months or years ago. She said: "Protests have a way of triggering people into seeking help and reaching out." She felt that no one really knows how big the problem is but that it is bigger than what the numbers let on.

10. Is this a university issue only?

Aquila felt that it was not a university-only issue but that the university, its students and the youth should take a leading role. She felt that the problem of rape culture was an issue for

everyone. She said: “In the past, and in our history, you see student movements really taking the spear or the lead in terms of causing some change. So, it's definitely our experience that it's a South African issue and an international issue. But the university is often the breeding ground or the place where there is strong activism and leadership that can cause change.”

Orion felt that rape culture was an issue permeating every fabric of society. However, as a starting point, she believed that universities should caution, train and raise awareness around rape culture. She said: “Institutions of higher learning are the bedrock of thought and a hub of generational future leaders. In order to fight any kind of culture in an institution, it is necessary to prioritise awareness raising campaigns and to remove the taboo around talking about it as an institution.” She believed it was necessary to talk about rape culture so that all people would become a part of the kind of society Stellenbosch University wanted to be. She felt that people should know that certain behaviours are not allowed and that certain actions would lead to expulsion. However, she did not feel that the university had these kinds of mechanisms in place.

Gemini said that it is a universal issue - one that is not limited to South Africa or a specific university. However, she felt that students at university are at a developmental age where they feel free for the first time. The time spent at university becomes a very important part of people's identity and development. People feel like they have the freedom to say what they believe and that they are going to voice their opinions along with their peers. This is why, according to her, higher education is the perfect platform to then have these conversations. The problem is the way the structure and the rhythm of an academic year. The term breaks mean that protests and important campus conversations lose their momentum.

11. Do you feel that rape culture has decreased on campus since the 2016 protests?

Aquila was unsure but felt that, based on her definition of rape culture, there is more to it than the incidence of physical violence. She hopes that some attitudes would've shifted because of some of the work and the activism that had been done, as well as the introduction of stronger policies and accountability measures. While she believed that people would start calling others out for openly reinforcing rape culture or misogyny, she still felt that Stellenbosch is a microcosm of society.

Orion acknowledged that the protests were what brought rape culture to the institution's attention in 2016. She said that: “It's not like it never existed before 2016, it's always been there but 2015/2016 created a platform where issues came to the fore and were called out.” She felt that institutions were undergoing a self-reflective process which led to protests toning

down. She noted that it was still an important issue on the agenda and that the problem had not gone away. At the time of the interview, almost every organisation and group in civil society was talking about gender-based violence.

Gemini said that they would really like to believe it has decreased a bit. If not, she would like to believe that there was more awareness about it and that people felt more at ease using the available channels. She noted that the fact that a campus is an ever-changing system makes such a process quite difficult. New students join the campus every year and join the discussions that have been started. However, the problem of rape culture and its accompanying traditions must be eradicated from the high school environments. Universities are not a closed system.

12. What are the biggest challenges you face in implementing the policies?

Aquila felt that the biggest challenge was balancing rights, responsibilities and ethics. She said that people often want feedback and details where it's not appropriate or possible. She also feels that getting the stakeholders to assist them in implementing a recommendation more speedily is important. For her, it was important that students and staff had faith in the values of the support system, namely confidentiality and procedural fairness. She said that: "Students and staff need to know that they will be listened to with empathy irrespective of protocol and processes that might fail them. Because often with sexual harassment there's a lot of 'he said she said' stuff that in a disciplinary or in a court you cannot prove. But we know that lived experience cannot necessarily be proven. So, faith and trust in our services and our people are a big challenge."

Orion felt that lack of power had been a challenge. She felt that even though she had been educated and trained to deal with issues, without the power to affect change and create policies deemed necessary, little can happen. She said that: "The chain of command can be stifling. In instances where you lack the power or you lack the documents that speak to and formalise an issue, you try by all means to at least move towards an area of education where you can build into the culture of Stellenbosch and contribute towards raising awareness and facilitating sessions across campuses." However, the delays and the bureaucracy created specific problems around efficiency. She felt that bureaucratic processes worked as delay tactics to steal time and that they make it difficult to measure what has been done.

Gemini stated that the link to substance abuse in the reports made is clear. She felt that students needed to be educated to think differently about their alcohol and drug use, and that if it could be addressed at an earlier stage it would help matters. An additional challenge was that it felt

as if they must start from scratch every year as new students arrived at the campus. The way that people think about the matter of rape culture also proved to be a challenge. She said that: “Many people view an approach or solution in black and white terms and a lot of Stellenbosch is a more conservative community. This means that people find it difficult to understand these issues, to talk to students and each other about the issues. Unless it is made public and declared an issue, it will remain in the closet forever.” This included everything entailing discriminatory matters, gender-based violence matters, and the way people talk to one another. For her, it was about speaking up against discrimination when it happened and letting people know that it would not be tolerated anymore. Other challenges at the time included funding, staff capacity and staff and student buy-in. Many people did not want to hear about rape culture or discrimination. It’s something many would have preferred the specific centre within the university deal with and take out of their lives so that they could continue with their normal lives.

4.3.3. Student activist findings

The participants who were student activists during the protests were asked the following questions:

1. How do you understand rape culture and sexual harassment?

Leo said that she understood rape culture to be the systemic disregard or de-prioritisation for consent in our society and the normalisation of violence, particularly sexual violence, against women. This includes the diffusion of responsibility – who is responsible for combatting this violence? Who is responsible for ensuring women’s safety? She asked: “Why are women never the centre of the conversation, until we’re talking about blame and until we’re talking about prevention?” For sexual harassment, the protests and activism of the #ERC campaigns really highlighted to her how little people regarded women’s autonomy and their right and ability to put boundaries in place. She said that: “This includes all the obvious actions, of course, but really extends to the micro-aggressions: the way that people hug you and touch you without asking, the way that discomfort from women is ignored, the way that people speak about women and their bodies.”

Auriga defined rape culture as the pervasiveness and the normalisation of rape within our culture. The way it is framed within our media, within the way that we speak to each other and the way that toxic masculinity portrays itself. She felt it was often portrayed within cis-gendered males and their behaviour. She felt it was often small things within society, not only

rape. It exists in the jokes, the snide comments, the ‘cat calling’, the things which build up to enable rape and to make rape ok. Sexual harassment, on the other hand, would be any form of sexual interaction without consent. This member used the acronym FRIES to explain consent: freely given, reversible, informed, enthusiastic and specific. She felt that many people didn’t understand consent and that it’s something which needs to be explained to everybody from a really young age. She felt it boiled down to how we interact with each other sexually and that the moment it becomes harassment is when someone feels they are being pursued sexually in a way that makes them feel that they can’t give consent and that their power has been taken away.

2. What do you think the catalyst for the #ERC protests was?

Leo said it is difficult to know the precise catalyst but that for her the focus on women’s rights and GBV was a long time coming. The start of the #Chapter212 campaign happened when someone at Stellenbosch made an off-hand comment: she needed to work at the computer lab to finish a project but had no way of getting home afterwards. For this woman, her choice was between her education and her safety and that made her really, really angry. That’s when she started working on #Chapter212. However, she noted that the #FeesMustFall protests really set the stage for #ERC. Students had been mobilised and, in a lot of senses, were somewhat intoxicated by protest. She said that: “#FeesMustFall gave us a taste of what free expression and protest could do; it told us it was ok to speak out and stand up. The #ERC campaigns grew out of that sentiment. We cared about the cause, obviously. But I think those that had gone before were the ones who told us we could do something about it.”

Auriga said that members of #OpenStellenbosch were the first people in 2015 who had a rape culture march. It was in response to the lack of university response to someone being raped on campus. It was a student who had raped another student and got away with it and could walk around on campus. She believed one of the catalysts was the way that men could walk around on campus and not experience any consequences for their actions. The year after that was the statue incident¹⁶. Somebody wrote End Rape Culture on the statue and people explicitly ignored it. There was a sexual assault incident and then the next day there was a protest on campus where women marched topless and interrupted Woordfees. There was such an outcry - how dare women march topless. Then they marched to Helshoogte¹⁷. She remembered that

¹⁶ See p39-40 relating to the statue incident,

¹⁷ A male residence in Stellenbosch that has a reputation, as do most of the others, as being a party residence that is unsafe for women.

the SRC Women's Empowerment task team handed over a memorandum and things started developing from there. The students realised the management task team was just the management, and that they were just generally ignoring women speaking about it. It led to various protests. She thinks that the real catalyst was just the conversations women and non-binary people were having. For her, trying to engage with management was like talking to a blank wall.

3. At the time, how did you feel about management's response to the protests?

Leo said that at the time and to the day of the interview, she gets furious. She felt that management placated the students and treated them like children by acting like they were over-reacting, which was infuriating. For her, it felt like management barely acknowledged the problem. They responded slowly and mildly when the safety of students should have been a top priority. At the time of the protests, it felt like getting management to agree or acknowledge that rape culture was a problem was an impossible task. She felt that in many cases, the response from universities just further victimised women. She felt that the universities should have listened, maybe by setting up time slots where small groups could talk and express their concerns. That alone would have been a great start. She said that “They should have taken immediate action on something. I don’t think it would really have mattered what, they just needed to send out the message that they believed us, and they cared.”

Auriga said that it felt like they weren't really listening and that they were non-responsive. It felt like speaking to a brick wall. It felt like no amount of talking would elicit a response and it was very disempowering. She believed that feeling of being ignored is what led to the protests becoming more and more active and loud. She thinks that the more someone ignores you, the more you want to scream to get their attention.

4. Do you feel that the students and staff involved in the task team were appropriate?

Leo said that those involved in the formal responses to the problem were mostly not appropriate. Most of the instigators and drivers of the movement were excluded from the task team, which is ridiculous. She said that: “We were given very few opportunities to give input and those felt insincere.”

Auriga said that she wasn't fully aware of who was on the task team. At the time it wasn't clear who was on the task team, who put it together and who was representing the students and speaking on their behalf. She said that: “It felt like those involved in the protests weren't given

a seat at the table to speak for themselves and their opinions weren't taken seriously. No one knew how the students who were on the task team were chosen, or whether they were allowed to opt in." She believed that if student activists had been included there would've been more recommendations, more conversation would have taken place and perhaps there would have been more meat to the task team. She said that: "I just think that student's felt that they wanted to be heard and perhaps if students had been heard there wouldn't be this resurfacing of protests over and over again because the problem would actually be addressed."

5. Did you read the report released by the task team?

Leo remembered being angry at the time the recommendations were released. She thinks there were some things that were good but many of those didn't come out of the task team. She said that, largely, "the report felt like a response to a different set of complaints, not the concerns we raised. It was another example of them placating us, as if we were expected to shut up now because they had done something. But it didn't feel like any of our concerns were answered or that we were taken seriously."

Auriga said that there was a lot that was in it and that it was not very easy to remember what was in it. It didn't spark her attention or make her feel like she was confident in it. It really didn't inspire confidence. She read it with a pinch of salt and felt a bit despondent.

6. What, in your opinion, is the true state of sexual violence on campus?

Leo said that she believes it's both worse than management thinks that it is and perhaps less bad than the students thought it was. She remembers receiving calls every week, often every night, from people who needed help in 2016. She knows of so many instances where sexual encounters probably counted as sexual violence. She said that the problem may lie in our society's understanding of sexual violence and less with campus. She said that: "During the time leading up to the protests, we had a lot of conversations around the 'grey areas' of consent and where the lines are and what language we have available to us to talk about things that 'are sexual violence but aren't'." She felt 100% convinced that sexual violence was far worse than the statistics say it is. She felt that we need new language to talk about sexual violence because the nature of it is different than what our current language allows.

Auriga said that while a lot more people are talking about it, she does believe that it's still a problem, especially on campus. The increase in awareness is excellent. She felt that the increase of cis-men becoming allies was also positive. However, the protests that happened in 2019

indicate that there is still a huge problem on campus. For her, that students are talking about the same problem so many years later shows that nothing has been resolved. It just shows that there is still a problem.

7. Do you feel that rape culture has decreased on campus since the 2016 protests?

Leo didn't think that it has. She felt that for a while campus got better at talking about it and people probably reported more often. She believed the lessons had largely been forgotten and that things had probably regressed.

Auriga felt that because rape culture is difficult thing to define it is difficult to be able to say that rape culture decreased. She said that: "I don't know if the increased awareness and conversation means that the actual culture has changed sufficiently. Perhaps more people are calling it out which does in a sense decrease it slightly, but I don't know if occurrence it's decreased as such."

8. Do you trust the policy and the structures implementing it?

Leo didn't trust the structures. She doesn't think that they consulted the right people or adequately explained their constraints. She doesn't think the structures are trusted by the general student population. If they aren't trusted, they won't be able to make any changes.

Auriga said that since she doesn't feel they can trust management to create recommendations, she doesn't trust them to implement them either. She felt that her interactions with management have made her cynical and broken her spirit by making her feel like the university doesn't have the students' interest at heart. Some of the recommendations did look promising but she doesn't trust that everything will be implemented.

9. Why did the protests stop in 2016?

Leo said that the students got tired. A lot of them left university – either kicked out, dropped out or, for the lucky few, graduated. Everyone was tired and drained and didn't know where else to go or what to do next. The drivers of the movement just disappeared. For her, she couldn't handle the depression anymore. It cost her a lot. Her education, family, sense of self. Without help and without progress, she had nothing to hold on to anymore and, eventually, she needed to save themselves.

Auriga said that since it was always the same people coming to the same protest, everyone got tired of preaching to the choir. She said that when you preach to the choir long enough you get

exhausted. A lot of student leaders got to the stage where they had to take a break and pass on the candle to the next generation. She thinks that's why protests happen in cycles because people get tired and they realise they need to take a break, or they burn out. Then it sparks out in another generation of students and the issue gets raised again. She doesn't think protests stop because the problems go away, she thinks it's just that the people who are talking get exhausted. In 2016, she thinks that the task team quelled a lot of people, especially people who weren't as angry. Many people felt that the university had provided a solution but people who were really angry still wanted to keep on speaking because they realised that it wasn't a complete solution.

10. What are you doing now?

Leo said that after losing their bursary, she took a year off and then returned to Stellenbosch to finish her master's degree. At the time of the interview she was working as a Senior Research Analyst at a think tank.

Auriga had just completed her master's and was waiting to hear back about job opportunities.

11. Did you support the #RUPreferenceList protests?

Leo said that she didn't support them at all because their first priority was always the survivors, and the reference list protests only harmed them. She understood why they did it and supported the protests themselves, but not the release of the list in particular.

Auriga supported the actual protests. Looking back on it, she is saddened by what happened to the students. A lot of people got in trouble, which caused them a lot of pain. She felt that the police reaction to the protests was over the top. However, she believed the publication of the list was a necessary. Naming-and-shaming has a healing effect for a lot of women who don't have the means or the way of reporting their rapists. To announce on social media that "this person hurt me" is a way of serving justice. She said that: "There is no way that the person will ever get justice because the systems of justice in South Africa are just absolutely trash." However, she thought it was difficult because it brought in a system of mob justice. It was a very fine line to trample because women were taking their power back and then being squashed. At the end of the day, she does support the women and feel that if it happened again, she would probably be there protesting with them.

4.4. Objective findings

One way of measuring the effectiveness of task teams is to look at the list of recommendations in each report and to measure which ones had been implemented at the time of research.

Due to the nature of the recommendations, it was deemed necessary to enlist in the help of the support staff interviewed to assess whether recommendations had been implemented or not.

The recommendations for Stellenbosch University can be found in the following table, with the yes, no or unsure next to the recommendations indicating which have been implemented:

Monitoring			
	Yes	No	Unsure
<p>1. Has a monitoring function been created within the Equality Unit in the Centre for Student Counselling and Support in Student Affairs?</p> <p>RapeCulture and relevant indicators need to be explicitly defined, and monitored over time</p>	X		
<p>2. Are all campuses being monitored for culture and climate?</p> <p>With the aim of affirming what works and close the gaps in areas that do not contribute to EndRapeCulture and/or create barriers</p>		X	
<p>3. Has an annual climate survey that monitors gender violence and RapeCulture been created and employed across all student spaces, all campuses and among staff?</p> <ul style="list-style-type: none"> • If yes, has it been tabled annually at the RMT? • For students • For staff 	X	X	
<p>4. Is the RapeCulture and Gender Violence Monitoring Committee chaired by the Rector or delegate?</p> <ul style="list-style-type: none"> • This committee should monitor the implementation of the recommendations of this report and should report to the RMT bi-annually and be a public reporting mechanism; 	X		

<ul style="list-style-type: none"> Does the RapeCulture and Gender Violence Monitoring Committee work with other monitoring committees and functions on campus 			
Leadership commitment for cultural change			
5. Has SU leadership included EndRapeCulture as explicit theme in the strategic plans for the various Responsibility Centres across SU?			X
6. Does SU leadership attend training workshops on transforming RapeCulture <ul style="list-style-type: none"> Are these training programmes compulsory for all SU leadership, management, staff and academics? 	X	X	
7. Does SU leadership monitor effective implementation of protocols associated with RapeCulture?			X
8. Does SU leadership address gender bias and gender asymmetries within her/his responsibility centre and within human resource capacity?	X		
9. Does SU leadership address gender imbalances in senior positions?			HR
10. Has SU leadership committed to conducting one significant and public event or activity per year that contributes towards challenging RapeCulture?	X		
11. Has SU leadership committed to monitoring RapeCulture in all the responsibility centres via ensuring that all staff attend annual transformation and RapeCulture workshops?			X

12. Has SU leadership committed to designing and implementing a reward and recognition mechanism for student and staff communities that implement innovative strategies to address RapeCulture or show commitment in engaging students and staff in effective ways to change RapeCulture?		X	
Grassroots commitment for culture change			
13. Have opportunities been created for every staff member (academic lecturer and researcher, security-, safety-, disciplinary- and investigation staff, administration and support staff, etc.) to attend training workshops on transforming RapeCulture and to effectively lead this change;	X		
14. Have opportunities been created for every student to attend training workshops on transforming RapeCulture and to effectively lead this change?	X		
15. Have opportunities been created within institutionalised programmes such as the SU Welcoming Programme and the HR On-boarding Programme so that the change-culture intended by this recommendation is part of welcoming new students and staff?	X		
16. Have opportunities been created for all residences, PSOs, student leadership, and training facilitators to receive training on EndRapeCulture?	X		
17. Does the Academic Citizenship in Africa course been developed yet? • If yes, are issues around rape culture included?			X
18. Has the following happened?	X		

RapeCulture education, sensitisation material and programmes should be developed and should include focus on: <ul style="list-style-type: none"> • men and issues around masculinity and patriarchy; • bystander role and behaviours; • social media, online communication and e-media; • promoting knowledge and application of policy and procedures; • incoming first-year students so as to re-educate students into the desired climate at SU; • newly appointed staff so as to re-educate staff into the desired climate at SU 			
19. Does each faculty and service environment have specific mechanism which address EndRapeCulture?		X	
20. Have programmes, interventions and activities been developed at residences, communities and PSOs to combat RapeCulture?	X		
21. Have the sports environments developed programmes, interventions and activities to combat RapeCulture?		X	
22. Has student leadership and the SRC developed programmes, interventions and activities to combat RapeCulture?	X		
23. Did SU strengthen advocacy groups, including The Women's Forum, Unashamed, Kwanele, student societies, interest and activist groups, including individuals, projects, initiatives, interventions and intentions via funding, training support, online exposure and various other mechanisms?	X		
24. Has the Rector-Mayor Forum included RapeCulture as a standing item, including related issues of transformation on alcohol safety			X

and issues with regards to clubs and bars in the broader Stellenbosch Community?			
25. Does the Equality Unit and Transformation Unit host regular RapeCulture university symposiums to engage with the latest research, campus campaigns and learn from other institutions to support the goals of EndRapeCulture?		X	
26. Has the SU Discipline Department revised the disciplinary code to make provision for explicit sanctions for sexual harassment? • Is special sensitivity training obligatory for staff working with reports on gender violence?		X	

Figure 5: Stellenbosch objective findings based on task team recommendations

Chapter 5 A case study of the University Currently Known as Rhodes

5.1. Introduction

While the #Chapter2.12 movement started at Stellenbosch University, it soon spread to other campuses. UCKAR's #Chapter2.12 protest was soon overshadowed by the release of the #RUGReferenceList, and the protests that followed the release. These protests are explored more in depth in chapter 2 of this thesis. With the goal of analysing the successes and failures of the Sexual Violence Task Team (SVTT) at UCKAR, the first part of this chapter will study the policies pertaining to sexual violence and rape at the university. The second part will explore the findings from the interviews held with key informants, namely those who were on the task team, student activists from the time and current support staff. It must be noted that the interview process at UCKAR went differently than expected. While the participants who were on the SVTT were forthcoming and enthusiastic about being interviewed, no support staff members of UCKAR agreed to being interviewed. A number of student activists were approached and only one felt they were in the right emotional space of mind to be interviewed – the rest said that the wounds of the protests were still too raw four years down the line. The small sample size, and the limitations it represents, should therefore be acknowledged.

5.2. Policies at UCKAR

The SVTT report (2016:2) mentioned the following policies: Policy on Eradicating Unfair Discrimination and Harassment; Staff Disciplinary Procedure; Student Disciplinary Code; Protocol on Sexual Assault; Sexual Offences Policy for Students; Grievance Procedure. However, these policies have been amended and new ones have been introduced following the protests. Three policies have been identified as important to the particular research questions of this thesis, and they will be explored below.

5.2.1. *Sexual Offences Policy for Students*

The first incarnation of this policy came about as a result of the #RUGReferenceList protests. It was a clear recommendation of the SVTT that a new, comprehensive policy should be formulated and adopted in order to iron out any contradictions or differences in the previous policies and protocols around sexual violence on campus. Adopted in 2019, the policy clearly outlines that the university believes that “sexual misconduct subverts our institutional values and constitutes a serious violation of the rights and dignity of another person” (Rhodes University, 2019b:1). This policy can be read in conjunction with the Policy on Eradicating Unfair Discrimination and Harassment, Other Than Sexual Offences that was similarly adopted

in 2019 (Rhodes University, 2019c:1). It provides recourse for all forms of harassment and discrimination that do not meet the criteria for sexual offences.

The policy statement roots the policy in the South African constitution and says that the university is committed “to fostering and maintaining an institutional environment that upholds human rights and recognises the inherent dignity and worth of every person” (Rhodes University, 2019b:1). The statement goes on to say that the university does not tolerate sexual violation in any form and that any acts that are classified as such will result in disciplinary action. Interestingly, the policy statement explains that the university takes a “two-pronged approach to dealing with sexual violation and gender-based violence,” namely prevention and prosecution (Rhodes University, 2019b:1). This is noteworthy as the first recommendation put forward by the SVTT (2016:1-2) was that the university adopt a three-pronged approach to dealing with these matters, namely:

- 1) retributive justice (support for people who opt to use the criminal justice system; internal disciplinary procedures);
- 2) remediation, mediation and restorative justice (processes whereby harms are acknowledged and amends made);
- 3) reparative justice (systemic processes that address the gendered norms underpinning rape culture).

This recommendation was thus not adopted.

The policy statement provides excerpts from the South African constitution relevant to the overarching policy. One excerpt comes from Chapter 2 of the constitution, namely Chapter 2, section 12 which states that “Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either private or public sources” (Rhodes University, 2019b:1). This is significant because it was the #Chapter2.12 campaign that preceded the #RUPreferenceList protests that drew attention to this section of the Bill of Rights. The main objective of the policy is to “ensure a safe institutional environment in which all members of the Rhodes University community can study, work and live with dignity and without any fear of unwanted sexual attention” (Rhodes University, 2019b:2). The sub-objectives are to:

- a. promote a positive, welcoming, safe and inclusive environment in which every member of the Rhodes University community is treated with respect and dignity;

- b. provide a framework of support for students who have experienced sexual violation of one kind or another;
- c. prohibit all Rhodes University students from engaging in any form of sexual misconduct;
- d. provide a policy framework for the prevention and prosecution of all forms of sexual misconduct;
- e. ensure that all cases of sexual misconduct are treated with due care and confidentiality, both in respect of the complainant and the alleged perpetrator;
- f. provide clear mechanisms for the reporting and handling of sexual misconduct cases;
- g. better inform the University community of all forms of sexual misconduct.

The policy gives a thorough definition of consent, drawing on definitions found in criminal law and adding that: “The fact that a person does not say ‘no’ to, or does not physically resist, a sexual act does not, of itself, mean that they consent to it” (Rhodes University, 2019b:3). This is significant because, as chapter 2 outlines, much of the sexual assault and rape that occurs on university campuses are considered acquaintance or date rapes, where the victim knows the perpetrator and is less likely to fight back or follow the “perfect” rape stereotype. The definition also states that “a person is free to withdraw their consent at any time prior to or during a sexual act,” another significant addition since a popular rape myth is that once you say yes you cannot revoke consent. Both the definitions of rape, sexual assault and sexual violation are taken from the South African Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. Rape is defined as: “A person who unlawfully and intentionally commits an act of sexual penetration, without consent, is guilty of the offence of rape” (Rhodes University, 2019b:3). Sexual penetration includes any act which causes penetration to any extent whatsoever by (Rhodes University, 2019b:4):

- (a) the genital organs of one person into or beyond the genital organs, anus, or mouth of another person;
- (b) any other part of the body of one person or, any object, including any part of the body of an animal, into or beyond the genital organs, or anus of another person; or the genital organs of an animal, into or beyond the mouth of another person.

Sexual assault (Rhodes University, 2019b:4) is defined as:

1. A person (“A”) who unlawfully and intentionally sexually violates a complainant (“B”), without the consent of B, is guilty of the offence of sexual assault.
2. A person (“A”) who unlawfully and intentionally inspires the belief in a complainant (“B”) without the consent of B that B will be sexually violated, is guilty of the offence of assault.

Sexual violation (Rhodes University, 2019b:5) is defined as any act which causes:

(a) direct or indirect contact between the—

(i) genital organs or anus of one person or, in the case of a female, her breasts, and any part of the body of another person or an animal, or any object, including any object resembling or representing the genital organs or anus of a person or an animal;

(ii) mouth of one person and—

- the genital organs or anus of another person or, in the case of a female, her breasts;
- the mouth of another person;
- any other part of the body of another person, other than the genital organs or anus of that person or, in the case of a female, her breasts, which could—

be used in an act of sexual penetration;

cause sexual arousal or stimulation; or

be sexually aroused or stimulated thereby; or

any object resembling the genital organs or anus of a person, and in the case of a female, her breasts, or an animal; or

(iii) mouth of the complainant and the genital organs or anus of an animal;

(b) the masturbation of one person by another person; or

(c) the insertion of any object resembling or representing the genital organs of a person or animal, into or beyond the mouth of another person, but does not include an act of sexual penetration, and “sexually violates” has a corresponding meaning.

A sexual act is defined as “an act of sexual penetration or sexual violation,” which is confusing as a sexual violation should be classified as either assault or rape, not a sexual act. The policy defines sexual harassment as any:

- (a) unwelcome sexual attention from a person who knows or ought reasonably to know that such attention is unwelcome;
- (b) unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances in which a reasonable person would have anticipated that the complainant or related person would be offended, humiliated or intimidated;
- (c) implied or expressed promise of reward for complying with a sexually oriented request;
- (d) implied or expressed threat of reprisal or actual reprisal for refusal to comply with sexually-oriented request;
- (e) unwelcome sexually suggestive comments and jokes from a person who knows or ought reasonably to know that such attention is unwelcome; or
- (f) unwelcome intrusive questions about a person’s private life or physical appearance, from a person who knows or ought reasonably to know that such attention is unwelcome.

This definition is taken from the South African Protection from Harassment Act (Act no. 17 of 2011).

The principles that this policy is based on are confidentiality, complainant-centred, rights-based, efficiency and accountability (Rhodes University, 2019b:5-6). The directives for implementing the policy, or rather how the objectives will be achieved, are also outlined in the policy (Rhodes University, 2019b:6-9). Education and awareness are called proactive and visible measures to ensure the student body has all the information relating to sexual and gender-based violence. Reporting is the next directive, in which the policy outlines the various internal and external reporting processes. In the event that a student chooses not to open a criminal case, the policy states that they will receive “care and support, including medical care, psychosocial support, safety and security” (Rhodes University, 2019b:7). The external process

of having a rape kit administered, as well as giving a statement to the police, is also explained. The third directive is medical care. In the event that the internal process is followed, the victim will be referred to the university's health care centre for urgent medical care. A similar process will be followed for psychological support - namely that the victim will be referred to the Counselling Centre after making the initial report. With regards to safety and security, the policy states that "in instances where there is a reasonable apprehension that the unmonitored presence of the alleged perpetrator on campus may impinge the safety and/or wellbeing of the complainant and/or potential witnesses, the University may take such interim measures as may be necessary to limit the prospects of the alleged perpetrator interfering with the complainant and/or potential witnesses" (Rhodes University, 2019b:8). Alternative dispute resolution (ADR) with regard to sexual offences is explored as a directive and it states that mediation and other forms of ADR will not be permitted. This means that mediation is not an option when a report of a sexual offence is made. Lastly, sexual and intimate relationships between staff and students are strongly discouraged by the policy (Rhodes University, 2019b:9).

Noteworthy in the policy is the breakdown of roles and responsibilities of key personnel and departments. Following a recommendation of the SVTT, UCKAR appointed an Anti-Harassment and Discrimination Manager in the Equity and Institutional Culture Office of the University. This one individual becomes the first port of call for anyone reporting sexual or gender-based violence. They must establish whether the complainant needs medical or psychological attention and refer them to the appropriate channels.

This policy can be read in conjunction with the Students Protocol on Sexual Assault (Rhodes University, 2019d). This Protocol aims to:

- facilitate the recovery of a person who has been sexually violated by providing prompt compassionate support services.
- create a campus environment that expedites and encourages the prompt reporting of sexual assaults.
- facilitate the apprehension of alleged perpetrators when such assaults are committed.
- establish and cultivate a climate of Rhodes University community involvement in sexual assault prevention.
- increase the safety of the campus community.

It encourages students to report immediately, preserve all evidence and offers routes of support that a victim /complainant may need. Important contact numbers are made available and the document acts as a summary of the policy, providing information someone who has been assaulted would need.

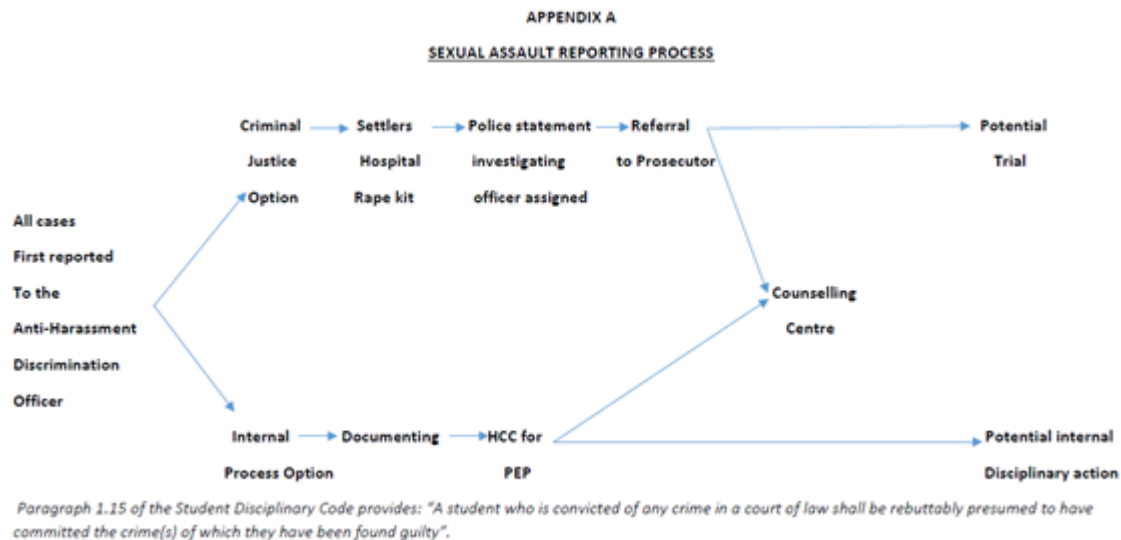


Figure 6: Reporting process at UCKAR

5.2.2. Student Disciplinary Code

This policy was first introduced to campus in 2012, with the latest revision being approved by Council in December 2019. The policy states that "in common with other communities of like size and complexity, the University has rules which contribute to the smooth and harmonious running of the institution" (Rhodes University, 2019a:1). The policy states that the rules and procedures outlined in the code apply to "every student of the University regardless of whether the alleged conduct in question takes place on or off campus" (Rhodes University, 2019a:1).

The definition section of the Code outlines how "hate speech" and "no-contact orders" are to be understood, as well as "public nuisance" and "suspension" but leave the definitions of sexual harassment etc. for other policies. With regards to mediation, the code (Rhodes University, 2019a:4) stresses the voluntary nature of this process:

3.1 Any student who has been the victim of any form of harassment (sexual, racial, gender-based, religious etc.), defamation, or other offensive verbal behaviour, may elect to have the complaint settled by mediation rather than at a disciplinary hearing. At the discretion of the Prosecutor/s any other suitable matter may be referred, in writing, to mediation.

3.2 Mediation shall not be an option in matters which are (in the discretion of the Vice-Chancellor/or his/her delegate) of a serious nature...

3.6 As mediation is a voluntary process, if at any time either the complainant/s or the respondent/s wish to withdraw from the mediation process, the process shall cease.

3.7 Where the parties do not agree to mediation, or the mediation is unsuccessful, the complainant/s may request to proceed by means of a disciplinary hearing in which case s/he/they must refer the matter to a Prosecutor/s.

3.8 Where the dispute is settled by mediation, the complainant/s will waive his/her/their right to request to proceed with disciplinary action.

Section 4 (Rhodes University, 2019a:4-7) of the policy outlines the rules and disciplinary offences of the university:

4.1 Voluntary intoxication caused by any substance to the extent that a person lacks intention or capacity is not a defence to any offence in this Code.

4.4 A student may not contravene the offence sections of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.

4.17. (e) A student may not engage in conduct likely to bring the University, or any part of it, into contempt or disrepute.

(f) A student may not engage in any form of harassment or discrimination.

Section 5 (Rhodes University, 2019a:7-8) of the policy looks at the various roles and responsibilities of the university's disciplinary authorities

5.1. (e) The Vice-Chancellor shall, when exercising disciplinary powers, have jurisdiction over all students, shall be entitled to preside at any disciplinary hearings (alone or, in his/her discretion, with two suitably qualified assessors) and shall have the power to impose the same sanction as any disciplinary authority may impose.

(i) The Vice-Chancellor (or person designated to perform this function by the Vice-Chancellor) may issue a no-contact order. Such an order may be, on such terms and on such conditions and for such period of time as the Vice-Chancellor (or person designated by the Vice-Chancellor) may in his/her discretion consider desirable. A no-contact order may be issued whether or not a student has lodged a formal complaint

against a student in respect of an alleged breach of this Code. Before making such an order the Vice-Chancellor (or the person designated by the Vice-Chancellor) shall allow oral representations in person from the student against whom the order is sought and the university prosecutor as to whether or not a no-contact order is to be issued.

It goes on to highlight the various roles and responsibilities of those offices /directors responsible for implementing the Student Disciplinary Code.

Of the Disciplinary Board that can be established, the code (Rhodes University, 2019a:9) says:

- (a) A Disciplinary Board means a panel of three people appointed by the Vice-Chancellor, one whom shall be the designated Chairperson.
- (b) A Disciplinary Board shall have jurisdiction over all students and over all offences of a serious nature, including but not limited to sexual offences as set out in this Code.
- (d) The decision to prosecute a matter as a sexual offence shall be determined by the Prosecutor/s.

On the procedure in a disciplinary hearing, it (Rhodes University, 2019a:11) says:

7.25 Where a student is found guilty of a disciplinary offence the Prosecutor and the student or his/her representative may lead evidence in aggravation or mitigation of sanction. Thereafter the Prosecutor and the student or his/her representative may address the Proctor or Disciplinary Board on what the sanction should be. If a student is found guilty of rape, the Prosecutor shall request that the Proctor or Disciplinary Board shall exclude the student permanently.

7.28 (l) Endorsing the academic record of the student to the effect that the student's conduct has been unsatisfactory. If the offence is of a sexual nature, including but not restricted to rape, gender based violence and sexual harassment, the nature of the offence must be specified on the transcript. In the case of all non-sexual offences the nature of the offence may be specified if so ordered by the Proctor, the Disciplinary Board or the Disciplinary Appeal Board.

5.3. Findings from interviews

As mentioned in the previous chapter, three groups of key informants were identified for the study. These are task team members, support staff and student activists involved in the 2016 #EndRapeCulture protests. Two task team members and activists were chosen. In the hope of

protecting participants institutional identity, names and employment details will not be mentioned. As gender identity is an obvious identifier for some, all participants will be gendered as women and the pronouns “she/her” will be used. The key informant sections will be grouped together and the main themes and perceptions that emerged from the interviews will be summarised below.

5.3.1. Task team member findings

Each participant was asked the following questions:

1. How do you understand rape culture and sexual harassment?

Cygnus took her definition from the SVTT report. She explained that rape and sexual assault are defined in terms of criminal law and that sexual harassment is usually only used in the labour or educational context. Sexual harassment is often used as an overarching, or umbrella, term which can be problematic as some think sexual harassment is only applicable to non-contact interactions such as stalking, flashing, or inappropriate remarks.

Aquarius felt that rape and sexual harassment are extreme behaviours which are the result of a complex and powerful system of interlocking elements. She explained that these elements are related to, among other things, religion; gender stereotyping in childhood and the media; economic incentives to do with the sales of gendered products; cultural practices; and psychological issues to do with disempowerment. This system results in certain members of society being perceived as inferior, dispensable objects that exist for the gratification of others. She explained that women and children are often the victims of abuse and exploitation in such a system but acknowledged that adult males can also be victims too. She stated that South Africa has a deeply entrenched system of violation and oppression that endures on various levels. One of the effects of this system is a cycle of violence and abuse that exists and is aimed at the least enfranchised members of society, namely women and children.

Cassiopeia views rape culture as an ideological setup in which there is a “rule by ideas” rather than an explicit “rule by force”. This “rule by ideas” ties into society’s most basic ideas about sex, gender, sexuality and what it means to be a gendered body in itself. While there may not be meanings given to femininity across the board, she believed that there are meanings given to masculinity that help construct rape culture. These include the status afforded to men who have sex with women and have sexual access to women. The entitlement to women and the role of man as the aggressor are “really basic heteronormative patriarchal ideology” that ties into what

rape culture is really about. For her, it is “the ways that we think, support and actually perpetuate the prevalence of rape, sexual harassment and sexual violence in our society”. Rape culture is therefore not an incidental by-product - it is part and parcel of the ways in which we think of ourselves and each other that gives rise to it. Sexual harassment, on the other hand, is a complex issue that encompasses sexist comments, sexist humour, sexual advances. She defended quite a broad definition of what constitutes sexual harassment.

2. How did you get involved in the task team?

Cygnus explained that when it became clear that a task team was necessary, she pushed for the terms of reference to be set in a participatory process. For her, the task team would have been a failure had the terms of reference been set by management. This member was involved in all levels of the task team and helped to facilitate three open meetings where various members of the university could express themselves. A draft of the terms of reference was sent out to the whole university in order to get comments before they were finalised. Because of this, she felt that the terms of reference reflected the interests of the university and not just management.

Aquarius said that she decided to join the task team that was being constituted after having witnessed and participated in the “often traumatic protests” (RUReferenceList). She hoped that the extremely courageous actions of the student protesters could evolve into lasting and meaningful institutional transformation.

Cassiopeia became involved because of the nature of her research. At the time of the protests she was a vocal feminist activist on the campus and became an advocate for the protesting students. She took a step away after helping students to fight against the interdict in court.

3. What was your perception of the work done by the task team while involved? Did this perception change after the report was published?

Cygnus has a good overall perception of the work done by the task team. She explained that the SVTT was made up of numerous sub-teams that focused their attention on different facets of sexual violence. She said: “It wasn’t just about our policies for prevention and disciplinary processes. It was also about institutional cultural issues and how rape culture can be embedded in day-to-day practices.” The Centre for Critical Studies in Sexualities and Reproduction became the hub around which the sub-task teams were centred. The main task team consisted of the chairs of the various sub-task teams. She emphasised that all the sub-task teams had a rotating chairperson, based on a feminist principle to ensure no one person could dominate.

The sub task-teams had a student as well as a staff member as rotating chairperson, meaning that the main task team had a staff member and a student from each sub-committee represented on the main task team. She said that “the various subtask teams operated in different fashions and with differing levels of success... some of them kind of got better information than others.” For her, the point of the report was to speak beyond their institution and possibly to add to the debate about what has to be done in higher education. She admitted that there are probably errors and elements worth critiquing in the final report but believed that, on the whole, it is thorough as it tried to marry theory research and practicalities.

Aquarius said that she thought that the work was “valid and extremely significant” given the fraught circumstances, divergent views and the number of stakeholders involved. At the time, “the democratic and transparent manner in which the SVTT was constituted filled me with confidence that the work we would do would be of real value”. However, she found that the position of the task team was an ambiguous one. Some sectors of the university saw the SVTT as anti-institutional and others saw it as a puppet of administration. She initially felt that this ambiguous position was a serious challenge because it hampered their ability to garner authority to conduct research. However, this ambiguity later proved to be the best possible position for the SVTT to occupy. She felt the SVTT was positioned in the interstitial space, in-between, in support of a specific cause rather than partisan to a specific faction or in collusion with any specific agenda. However, while she thinks the report has been taken seriously, she also believes there are many obstacles to practically engaging with the report. After the release of the report, her perception remained unchanged.

Cassiopeia remembered the formation of the task team as having a bottom-up, grassroots approach. She remembered a meeting being held in Eden Grove, a big lecture venue, with many staff and students present. For her, it was at this open meeting that the task team was formed in a participatory fashion because anyone who wanted to be involved could be. For her “it seemed to be quite organic and that everyone was equal in the process”. While support staff, academic staff and students from all levels were working together, she remembered people from administration trying to co-opt the task team by saying that they had initiated its formation. “So, then it felt weird for a moment because something that was just organic and that had come out of the process itself, was being claimed by management.”

She was on the safe spaces and training sub-task teams. At the time there was a lot of enthusiasm and optimism within the task team itself, but it changed after the release of the

report. The Gender Action Forum was supposed to be monitoring the implementation of the recommendations but GenAct didn't feel like they had much power and had shrunk since 2016. For her, gender activists had gone completely silent on campus. She acknowledged that students were still doing their work but felt that academic staff that remained were left jaded. She recalled that the year after the report was released, many of those who had been on the SVTT were asked to form a gender task team for the transformation summit, which felt redundant because they had just provided administration with 93 recommendations.

However, of the task team experience, she stated that it felt really participatory, organic and like it was theirs - independent of the university. She really enjoyed that process and going to meetings because everyone was enthusiastic and optimistic about their ability to make real change. However, she felt less enthusiastic and optimistic about who was monitoring and implementing the recommendations.

4. Do you feel that the rape culture on your campus was challenged as a result of the #ERC protests?

Cygnus felt that the protests did more than anything else. "The protests were the real catalyst for conversation - and conversations amongst people who had never really had to confront things." She explained how she was approached during the protests by lecturers from all faculties to get her to talk in their classes. She explained how people from the CSSR were constantly busy giving talks or facilitating discussions during this time. However, she explained that since the protests were shut down by the interdict, the task team tried to keep the momentum and discussions established by the protests going.

Another component that she felt made challenging and measuring rape culture difficult is responsibility. She felt that "because it was so broad ranging, responsibility actually sits in a number of places." She explained that while it is important to hold centres like the Equity and Institutional Culture Office responsible, they are a small office and cannot be all things to all people. For her, the Gender Action Forum should have been the space where all of these inputs could be collected and put into a report. However, the GAF had been struggling with membership because of the amount of academic labour required.

She added that, in complete contrast to the open, transparent and participatory process that was used in the SVTT, the Vice-Chancellor established and brought together a committee to review the recommendations and decided which ones they would recommend or not recommend for implementation. This drew the whole process back into a managerial approach. She stated that

this committee was set up without the usual channels and only got approved ad-hoc. For her, anything that happens at a university ought to be approved by the correct committees. She stated that “this is a very important process in a university structure because it stops universities from being top-down managerialist institutions. So, although it does create bureaucracy and it certainly does slow some things down, it’s an incredibly important check and balance, particularly for academic freedom.” This committee was tasked with reengaging with members of the SVTT in order to talk through the various concerns that were raised at a senate meeting surrounding the recommendations. In the end, all of the recommendations were accepted bar two. So, officially, the university senate agreed to adopt 89 recommendations.

Aquarius strongly believed that the culture was challenged, and actual practical changes have occurred. For her, general awareness of sexual violence had increased and the protests and the SVTT report forced administration to take the matter very seriously. She noted that the administration was extremely suspicious of the SVTT and treated its members as “a potential enemy”. She felt the report has been taken seriously but that there were many restrictions to the recommendations being implemented, such as the budget, the expertise and the bureaucratic system which was very slow when it came to practical implementation. Another hindrance was that the report was perceived as a “political” document which pushed a certain agenda. She stated that she was certain that everyone on the SVTT was motivated by one goal only – “the eradication of sexual violence on campus and in the wider community”.

After the report was produced, the SVTT was dissolved and replaced with an ad hoc committee to oversee the implementation of the report. As **Cygnus** mentioned, no member of the SVTT was invited to be a part of this committee and those who were elected were done so without any transparent process. **Aquarius** found this to be an unfortunate development but stated that subsequently, and rather slowly, some of the recommendations of the report have been implemented. She saw the change in culture in the student populace too. Campus, led by the SRC, were more engaged and with sexual violence being more openly discussed and challenged on campus.

Cassiopeia felt like the protests definitely challenged rape culture. Since she saw rape culture as ideological, she believed that the way to dismantle it started with conversation and conscientisation. The kinds of conversations and consciousness raising that took place during the protests was really important in order to combat rape culture and show people how heteronormative patriarchal ideologies impact on their own beliefs and values. For her, 2016

was a “a kind of a culmination of the work of feminism throughout the second wave”. She explained that the university used to host the Silent Protest every year. The two aims of the protest were firstly awareness-raising and secondly healing, recovery and solidarity for survivors. She explained that the Silent Protest had become too triggering for campus and that post-2016, she felt that the awareness-raising goal was less important and that the focus had to shift to be on the healing, recovery and solidarity.

5. Did you consult the broader student community?

Cygnus explained that the student community was consulted when setting the terms of reference. She facilitated what they called “tense meetings” where she believed students felt they could be genuinely heard. After these meetings, the terms of reference were sent out to the university community for comment, which is why she felt the terms of reference were literally university-based. The task team itself was open. She explained that “the rationale was that the investigation had to be transparent and non-partisan because the protests had students and management really at loggerheads with each other... the strength of the task team was that it was made transparent and participatory.” She acknowledged that there were high levels of suspicion at the time, so the task team wasn’t composed of people from certain sectors of management or from the leaders of the student protests. She felt that maybe those students who had been at the forefront of the protests were still on the side-lines reserving their judgement. Those students that did get involved were mainly postgraduates and, while there were fewer students involved than she would have liked, she believed there were enough for student voices to come through and be heard. She stated that “with sexual violence, having a cabal of people decide for everybody else is never going to work, we must decide together, it must be collective - it can’t be anything else.”

Aquarius said that the entire university community was consulted and invited repeatedly through various forums to participate in the compiling of the report. The SVTT was comprised of staff and students and campus media was utilised to consult widely and to encourage participation by every sector. Drafts of the report were made available for anyone to read and edit during the compilation process.

Cassiopeia stated that she felt there could have been more student involvement, so that there had been more students on the task team than staff members. While the student to staff ratio was even, she found that there was a dip in buy-in from students after the university tried to take ownership of the formation of the task team.

5.3.2. *Support Staff Findings*

None of the support staff at UCKAR were available to be interviewed when I visited the campus. They also declined to comment via email. It must be noted that I made numerous appeals, both in my own capacity as a Master's student and through my supervisor, Prof Amanda Gouws. The first emails were sent in October 2019 and I continued trying different potential participants until June 2020. Various reasons were given for the refusal to participate in the research but it became apparent that many of those staff involved in policy formulation and implementation around the issue of gender-based violence had developed a pattern of saying no to Masters students invitations to participate in research. While everyone has the right to decline to participate in academic research, it is shocking that no support staff at an academic institution for higher learning and research would make themselves available to be interviewed. Especially considering that confidentiality and anonymity were assured.

Each of the three participants would have been asked the following questions:

1. How do you understand rape culture and sexual harassment?
2. Was there a policy pertaining to sexual harassment or gender-based violence prior to the protests? Who made it?
3. Were you involved in the making of the policy?
4. What is your experience with the implementation of the policies pertaining to sexual harassment /violence?
5. Generally speaking, do you think the policies pertaining to sexual harassment and assault are effective or is it just another policy on paper that nobody uses?
6. In your view, how could or should the policy be changed or improved?
7. How do you feel about the policy and your role in implementing it?
8. What are the structures implementing the policies? Where are they placed?
9. What, in your opinion, is the true state of sexual harassment /violence on campus?
10. Is this a university issue only?
11. Do you feel that rape culture has decreased on campus since the 2016 protests?
12. What are the biggest challenges you face in implementing the policies?

5.3.3. *Student Activist Findings*

The one participant who agreed to be interviewed was a student activists during the protests and was asked the following questions:

1. How do you understand rape culture and sexual harassment?

Delphinus explained that she understood rape culture to be a culture wherein sexual assault is normalized and often dismissed because of a number of factors: disregard for bodily autonomy and consent, sexism, toxic ideas about sex, etc.

2. What do you think the catalyst for the #ERC protests was?

Delphinus explained that at UCKAR, the movement centred more around the #RUPreferenceList protests than #EndRapeCulture. For this protest, the catalyst was Chapter 2.12, a project that started at Stellenbosch University. She explained that during the vacation break at the end of the first term of 2016, someone from Stellenbosch University got in touch with her about Chapter 2.12 and starting a joint movement to address rape culture on university campuses. She said that the particular vacation was important for two other reasons:

“Firstly, someone posted an accusation about someone else at Rhodes, naming him as an abuser. The post named him specifically and accused him of abusing someone else. This happened in the Rhodes Facebook group (we’re a small university and many people were active on that one group) and everybody knew about it. Secondly, I tallied up that numerous (I can’t remember the number right now) people had told me that they had been assaulted since the beginning of the year. These were all people at Rhodes assaulted by people at Rhodes.”

She said that they had either told her themselves or someone else confirmed it. “It was a shocking number, I think around 20, and some newspapers reported on it.” For her, these two issues poised the Rhodes community for action. After the Facebook posting, Chapter 2.12 launched on a Sunday evening. She explained that a group of students pasted posters detailing issues around rape culture on campus on the walls by the library. She said that “they were approved by the SRC, but management had them torn down anyway. We retrieved some posters and stuck them back up.” It was around this time that the media picked up on the campaign and reported on it. She said that they felt like they were getting nowhere when they had meetings and discussions about it with management. Exactly a week after the launch of the #Chapter2.12 campaign, the “Reference List” was released anonymously. This prompted

people to protest and visit the residences of those accused of sexual assault on the list. She said that the next week was “an unending protest”.

3. At the time, how did you feel about management's response to the protests?

Delphinus remembered being unsatisfied. While she could appreciate that they were in a tough position, she felt that nothing that was being said hadn't been said before. She knew that they were aware of the issues. “I felt disgusted, honestly, at how members of management were suddenly pretending to care,” she said, “people who knew, for example, that I was being tutored by my rapist and wouldn't help me, were now claiming to care.” Something that stuck out for her was that management wouldn't release the official numbers of people who were raped to preserve anonymity, even though the students wanted numbers, not names. When she shared the list she had tallied of how many people had disclosed their assaults to her, management responded with a statement that only two rapes had been reported that year. She said that “they went into detail about where these rapes happened and what happened to the report. Everybody knew one of those rapes were mine. So much for anonymity.”

4. Do you feel that the students and staff involved in the task team were appropriate?

Delphinus didn't feel that those involved were appropriate, but she didn't want to be involved in any leadership capacity. She felt like she “had to stand up and say something before the movement was hijacked by people who didn't genuinely care about survivors. There were people who inserted themselves into the movement for the sole purpose of sabotaging it.” It was a difficult time for her because people who had claimed to support the movement later “told outright lies about the movement”.

5. Did you read the report released by the task team?

Delphinus remembers reading it when it was released but couldn't remember how she felt about it. She explained that 2016 was a total blur to her because it was so upsetting and traumatic. She didn't think she had the emotional energy to read it again.

6. What, in your opinion, is the true state of sexual violence on campus?

Declined to comment.

7. How do you feel about the recommendations put forward by the task team?

Declined to comment.

8. Do you feel that rape culture has decreased on campus since the 2016 protests?

Delphinus explained that she dropped out in 2016 so it was difficult for her to answer. However, she did continue living in Grahamstown until the end of 2018 and she knew for a fact that many people were still being assaulted. While she felt her opinion might be unpopular, she did believe some things have changed. When a friend of hers was assaulted she laid a charge through the university and her lawyers were “phenomenal”. She said that the lawyers “were not like the lawyers I approached when I was assaulted”. She could see that the process had improved and that her friend got the support she needed.

9. Do you trust the policy and the structures implementing it?

Declined to comment.

10. Why did the protests stop in 2016?

Delphinus believed that the main reasons were fear and fatigue. After the university interdicted three students, people were scared. They knew the legal battle that the three students were facing was draining. Many activists dropped out or just felt too exhausted to continue. She said that on the Wednesday after the list was released, the police came onto campus and met the crowd with teargas, rubber bullets and arrested a few people. “I think the sheer cruelty of management shocked us into realizing we were fighting a losing game and,” she said, “we could not reason with people who were so irrationally evil.” The fact that the university allowed police onto campus and allowed them to treat peaceful protests in the manner that they did, dispelled any of managements claims that they cared about rape victims and their students. She said that “the mood really shifted that day. During the #FeesMustFall protests the year before, management supported the student body and forbade the police from coming onto campus. Their actions in 2015 were commendable and I think we were hoping they would be as understanding in 2016.”

She said that it was the day of the police violence on campus that she found out about the interdict. She was informed before it was made public and she “fled town for a few days with two other activists” because she heard that some police officers were asking where they were.

At the end of 2016, there were more #FeesMustFall protests, and protestors were again met with police violence. The violence was worse this time around. “I think it took the fight out of everyone. In 2017, I was still friends with students, and many agreed that there was this fatigue-induced apathy that surrounded the university. People didn’t have the energy to care.”

11. What are you doing now?

Delphinus had a nervous breakdown during the #RUPreferenceList protests. She was hospitalised and the university “advised” her to take an extended leave of absence. She didn’t have a choice in taking it. In 2017 she got a letter from Rhodes, saying that when she re-registers, she would be called in for a disciplinary hearing. She decided not to re-register and therefore didn’t complete her degree. “Overall, the protests came at a huge personal, professional and financial cost for me.”

12. Did you support the #RUPreferenceList protests?

5.4. Objective findings

One way of measuring the effectiveness of task teams is to look at the list of recommendations in each report and to measure which ones had been implemented at the time of research.

Due to the nature of the recommendations, it was deemed necessary to enlist in the help of the support staff interviewed to assess whether recommendations had been implemented or not. One support staff member well positioned in the university agreed to aid in this task, although she declined to be interviewed for the support staff section of my research.

The recommendations for UCKAR can be found in the following table, with the yes, no or unsure next to the recommendations indicating which have been implemented:

Recommendations	Yes	No	Unsure
Overarching recommendations			
1. The University should adopt a three-pronged justice approach for dealing with sexual harassment		X	
2. An office dedicated to sexual harassment should be established.	X		
3. A Harassment Office should be established (within which the Sexual Harassment Office will be located).	X		
4. a. There should be one comprehensive sexual harassment policy.	X		
b. Other policies which refer to sexual harassment/violence should also be revised.	X		
c. The policy on Eradicating Unfair Discrimination and Harassment should be revised.	X		

d. The responsibilities of the various role players and stakeholders should be clearly defined in each policy.	X		
5. The overarching policy (and the revision of other policies) should be written by the Manager of the Sexual Harassment Office.	X		
6. Summary, easy to read, documents of the policies should be made easily accessible to all.		X ¹⁸	
7. A network of support for the complainants should be created.		X	
8. Reporting officers in the Sexual Harassment Office should be trained to take proper statements under oath and follow correct procedures in terms of obtaining medical examinations, even if the complainant does not wish to proceed with the case.		X ¹⁹	
9. The various options open to complainants who lay a complaint within the University should be as follows: a. Support for complainant to lay a charge through the CJS b. Internal disciplinary procedures c. Restorative justice procedure d. Mediation between the parties e. Remedial discussions	X		
10. a. GenAct should oversee the implementation of all of the task team mandates through the Sexual Harassment Office. b. Regular reports should serve at GenAct and the Equity and Institutional Culture Committee.	X	X	
Criminal Justice System			
11. Mechanisms of support for the administration of external retributive justice need to be established	X		
Formal Internal Disciplinary Procedures			

¹⁸ At the time, it was in the process of being translated into Afrikaans and Xhosa.

¹⁹ This was one of the recommendations that the university chose not to adopt

12. The contradictions between the various policies for internal disciplinary procedures need to be ironed out.	X		
13. The inaccuracies within the various policies need to be attended to in the writing of the Sexual Offences Policy.	X		
14. The definitions of rape, sexual assault, and sexual harassment should be revisited.	X		
15. Future policies and guidelines should acknowledge that offenders may be in positions of authority.	X		
16. a. There should be a prescribed sanction of exclusion and dismissal for rape and sexual assault. b. The Sexual Offences Policy and all disciplinary codes should include definitions of all types of sexual offences that are subject to discipline.	X X		
17. The section of the Student Disciplinary Code which refers to students who are acquitted due to lack of mental capacity needs revision.	X		
18. a. The Senate Disciplinary Committee member should have a background in gender-based violence and sensitivity to psychological issues. b. At least two of the members of the Disciplinary Board for Sexual Offences should be of the same gender as the complainant.		X X	
19. In terms of prosecution, policy should reflect that the complainant's wishes must be carefully considered.			
20. All points of contact with the complainant should emphasise the protective measures to which the complainant has access, as well as the procedures to follow in obtaining these orders.	X		
21. a. Policies should emphasize the basis on which no contact orders are made and how these orders restrict offenders.	X X		

b. Clear guidelines for official communication regarding no contact orders should be laid out to all parties involved.			
22. The policy should clearly state that prosecutors may not discontinue an investigation based on who the respondent is.		X	
23. The definition of consent contained in the policies needs to be revised.	X		
24. Further detail on how incidents that occur between staff and students are dealt with is required in all of the policies.	X		
25. It should be made clear in the Grievance Procedure Policy that staff are entitled to initiate a grievance procedure on the basis of sexual harassment.		X	
26. a. Sexual harassment and assault need to be defined in the Staff Disciplinary Procedure. b. Sexual harassment of any kind should be dealt with under Category B serious offences. c. Sexual violence and assault and severe sexual harassment should be dealt with under Category C offences.	X ²⁰	X X ²¹	
27. In cases of serious sexual violence, charges in the alternative that are sufficient for exclusion/dismissal should be considered.		X	
28. The University should employ both internal and external prosecutors.	X		
29. a. Prosecutors should be conversant with gender and sexuality issues and not just the law. b. Prosecutors should also have a background in sexual offences law and practice.			X X

²⁰ The policy refers to this as a “level 3” offence, not a category c. Descriptions possibly updated.

²¹ Sexual harassment is considered a “level 3” offence, on par with rape or attempted rape.

30. a. The policy should include the procedure to follow in obtaining a no contact order and suspension order from the Sexual Harassment Office.	X		
b. The policy should outline the process to be followed in order to obtain a protection order from the magistrate's court.	X		
31. The policy on Eradicating Unfair Discrimination and Harassment needs revision (as indicated in recommendation 4c).	X		
32. Pre-enquiry phase should be small committee followed by larger advisory committee, if necessary. Scrap the Fairness Forum.	X		
33. The new Sexual Offences policy needs to refer to the protocol governing intimate relationships between staff and students.	X		
Mediation and restorative justice			
34. A clear distinction is made between mediation and restorative justice; it may be inappropriate for more serious cases and cases where there is a large power differential to be resolved in this manner as mediation implies resolution of a conflict rather than a form of justice.		X	
35. During mediation, it should be made clear that a mediation agreement is binding and that failure to abide by the agreement could result in disciplinary action.	X		
36. The RESTORE procedure of a restorative justice conference should be followed.		X	
37. Funding should be sought to bring an expert in restorative justice to Rhodes to provide guidance and training.		X	
The provision of safe spaces			
38. a. A dedicated safe house should be made available for complainants.	X		

<p>b. No pressure should be put on a complainant to move out of residence/digs.</p> <p>c. There should be more than one bed in each room of the safe space for a friend or family member.</p> <p>d. There should be a set time limit that a complainant can stay at the safe space.</p> <p>e. The safe space keys should be kept at CPU.</p> <p>f. There should be a sub-warden who can help the complainant settle in.</p> <p>g. Packed meals and a care pack should be provided to complainants.</p>			
39. Cases of harassment should be removed from the responsibility of the Manager of Student Wellness.	X		
40. An online reporting system such as Callisto should be developed.		X	
41. a. Peer supporters should provide on-going and sustained support for complainants.	X		
b. Training and debriefing opportunities for the peer supporters should be provided.	X		
42. a. The option of speaking to a psychologist in the Counselling Centre should be made clear to the complainant.	X		
b. Psychologists and interns working at the Counselling Centre should be versed in dealing with cases of sexual violence.	X		
c. The case load of the Counselling Centre should be reviewed on a regular basis to see if additional human resources are required.	X		
43. The Academic Project and Protocol Facilitation Committee should investigate interventions which highlight the importance of mutual respect and tolerance of different political practices and engagements specifically in residences.		X	

Increasing student safety			
44. Bystander intervention training should be included in the Orientation Week Programme of first year students.		X	
45. a. A customized cell phone safety app should be developed/explored. b. Students should be made aware of this app and encouraged to use it.		X X	
46. Contact numbers and physical addresses of doctors, the hospital, the Sexual Harassment Office, and the Counselling Centre should be made available to all students and staff in the form of business cards, flyers, and posters on campus and online.	X		
Increasing awareness and training on campus			
47. a. A code of conduct that covers sexual violence, offences and harassment should be developed. b. Every student and staff member should be required to sign a declaration.	X X		
48. a. Every staff member should complete an online training programme. no and no to below b. More comprehensive workshops (which will include basic counselling skills) should be provided for those who are more likely to be approached by complainants.	X	X	
49. All staff and students should complete an online training programme on sexual violence.			X
50. A range of in-depth workshops should be provided to those who are likely to assist and support complainants.	X		
51. The Student Leadership Training Programme should be revised and continue.	X		
52. A re-imagined Orientation Week and beyond.	X		
53. More facilitated residence discussions should take place.	X		
54. Sexual Violence Representative portfolio should be added to the residence House Committees.		X	

55. Facilitated discussions/workshops should be provided to all levels of staff at the University.		X	
56. a. Community engagement projects (such as GASP) should be encouraged. b. A registry should be kept of all projects/people/units involved with issues of gender and sexual violence.		X	X
57. The Sexual Harassment Office and GenAct should work with OutRhodes and GAP student societies in implementing the recommendations of this report.	X		
58. The Silent Protest needs to be re-imagined.	X ²²		
59. The housing and resourcing of the annual "My Body, My Choice" campaign needs attention.		X	
60. Information should be provided to people who either feel that they may have committed sexual harassment (wittingly or unwittingly) or who have been accused of sexual harassment.	X		
61. The Sexual Harassment Office should keep a log of on-going extracurricular activities on campus which challenge rape culture, and provide an over-arching co-ordination function of these activities.	X		
Inclusivity and Institutional Culture			
62. The Office of Equity and Institutional Culture should be empowered to bring about transformation at the University.	X		
63. The QUORL Survey should be revised and resumed.	X		
64. a. The QUORL Survey items should be phrased in a clear unambiguous way. b. The Survey should be submitted online. c. The results of the survey should be published.	X X	X	
65. A way of gathering information about the experiences of students living in digs needs to be developed.		X ²³	

²² The Silent Protest, which took place from 2007, was stopped.

²³ Research being developed at the time of answering.

66. a. Student media editors, writers and moderators should reflect on how they support certain University culture(s). b. The Media Representative of the SRC should monitor the SRC Facebook Page.		X	X
67. Campus Culture initiatives like "Purple Thursdays" should be reviewed.			
68. Identified informal gendered socialisation practices on campus need to be unpacked.		X ²⁴	
69. An "enthusiastic" consent campaign should be held in Grahamstown's bars		X	
70. Oppidan wardens should engage with Oppidan students regarding gendered practices that occur within digs.		X	
71. a. Residence staff should receive training. b. Each House Committee should have an Anti-Sexual Violence Representative.	X	X	
72. Hall wardens and house committee members need to engage with students in changing residence culture.	X		
73. "RU Jamming" should be reviewed.	X		
74. Institutional responses on transformation and institutional culture requires attention.			
75. The policy on relationships between staff and students should be revisited and updated.	X		
Promoting conversations			
76. There should be more facilitated conversations around curricula and issues of sexual violence between staff and students.		X	
77. Staff members should be provided with a space to discuss methods of embedding issues of sexual violence into their curricula.		X	
78. Theatre interventions should be used to bolster other activities on campus which tackle rape culture.	X		

²⁴ Research being developed at the time of answering.

79. Sustained dialogue should be supported by the Sexual Harassment Office as well as the Equity and Institutional Culture Office.	X		
The implementation of a common cause			
80. A common undergraduate course should be implemented as a DP requirement.		X	
Embedding sexual violence prevention in the curriculum			
81. All faculties should produce a report considering ways of including issues relating to sexual violence and rape culture into their curricula.		X	
Transformation of teaching and learning spaces: The construction of deliberative spaces			
82. A multi-disciplinary course in the theory and practice of deliberative democracy should be developed at the University.		X	
83. The theoretical and conceptual tools of 'disruptive pedagogies' should be used to resist rape culture in the classroom context.		X	
84. The invisible curriculum of the University needs to be examined.		X ²⁵	
85. Existing staff should have the option of completing a course/workshop on discourses of rape culture and sexual violence.		X	
86. More students should be involved in the Academic Orientation Programme.	X		
87. A booklet containing various case studies and ideas of how rape culture can be countered at curriculum level should be produced.		x	
Towards a clear institutional ethos of engagement with society			
88. a. A 'commitment statement' should be drafted by the University.		X	

²⁵ Research was in development at the time of query.

b. University staff should be required to sign a declaration of their commitment.		X	
89. a. Two non-executive posts within the SRC should be established.		X	
b. The SRC should investigate ways of establishing a Student Safety Forum.		X	
90. The Sexual Harassment Office, the Equity and Institutional Culture Office, Community Engagement Office, GenAct, Gender Action Project and SRC need to engage with other stakeholders in our country.	X ²⁶		
91. a. The Sexual Harassment Office should compile a list of researchers conducting relevant research.			X ²⁷
92. b. Workshops on writing policy briefs should be held with these researchers.		X	
93. c. The possibility of obtaining research funding should be considered.		X	

²⁶ These stakeholders engage with schools.

²⁷ Uncertain about the list but this information can be found in researchers job profile.

Chapter 6 Concluding Remarks and Recommendations

6.1. Introductory remarks

This study sought to investigate which interventions to ending rape culture were made as a consequence of the appointment of task teams and their recommendations. Primary research was conducted through semi-structured interviews with key informants and secondary research was conducted to inform and supplement the interviews. Chapter 2 sought to contextualise the issue of rape on university campuses in international literature and in South African literature. The culture produced on university campuses was explored, with phenomenon such as drinking, and partying culture being linked to the problem of rape culture. Important events in the USA that shaped the conversation around campus rape as an emerging problem was explored, with the similarities between American campus life and South African campus life explored. Chapter 3 sought to lay out the research methodology, concepts and theories that would be used to conduct the research for this thesis. The importance of the feminist lens was discussed, with liberal, radical and intersectional feminism being highlighted as key to this study. I acknowledged my own positionality with respect to the research I conducted, in line with Harding's standpoint feminism and the idea of self-reflexivity. Chapter 4 and 5 explored the case studies of Stellenbosch University and UCKAR respectively. Both university's policy documents were analysed and the findings from the interviews with key informants were put forth.

Four sub-questions were posed in order to answer the primary research question: What interventions to ending rape culture were made as a consequence of the appointment of task teams and their recommendations?

The four sub-questions posed are explored in brief below:

1. How successful were the #EndRapeCulture protests in affecting policy change at SU and the UCKAR?

At SU, no policy change followed in the aftermath of the end rape culture protests. A new policy, that had been planned prior to the protests, was introduced in 2016 and has remained in place. However, the current policy was under revision at the time of interviews. At UCKAR, a new policy was introduced as a result of the #EndRapeCulture, #Chapter2.12 and #RURReferenceList protests and the subsequent task team recommendations. This new policy

introduced a new office with new administrative rules and procedures as discussed in the previous chapter.

2. Are there differences in perceptions of the activists of #EndRapeCulture and the implementers at universities regarding the changes brought about by task team recommendations?

It is apparent that the students that were involved in the #EndRapeCulture protests are apprehensive of the changes put forth by the recommendations. A lack of trust and faith in the institutions that are tasked with implementing the recommendations lie at the core of this apprehension. The protests took a great personal toll on the lives of those organising them. This seems particularly true of UCKAR, where three students were expelled from the university due to their alleged behaviour during the protests. Four years down the line, ex-students were still too afraid or traumatised to participate in this research project.

3. Were the task teams and recommendations well-received by the campus and by the student activists?

A kind of amnesia seems to have taken root in the minds of those people that were a part of the protests. The student activists from both Stellenbosch and UCKAR couldn't remember exactly how they felt at the time, which may have to do with the amount of time that had lapsed between the protests and the release of the task team recommendations. There was a delay in the publication of the recommendations and by the time they were introduced to campus it was more than a year later and both sets of activists were no longer active students. As for the general campus, I believe that enough time had passed at both universities that when the recommendations were put forth, they were accepted at face value.

4. What are the reasons that the protests stopped and didn't continue post-2016?

In the case of Stellenbosch, the activists had run out of steam. It does appear that those who were central in organising the protests simply didn't have the energy to continue anymore. At UCKAR on the other hand, the university had an interdict against students who were a part of the protests. For more than a year after the start of the 2016 protests the university battled with three of its students in court. These were the leaders of the protest and they were legally not in a position to continue with the cause. They were used as a cautionary tale of what could happen if you opposed the university.

6.2. Stellenbosch findings

1. How successful were the #EndRapeCulture protests in affecting policy change at SU and the UCKAR?

No new policies have been introduced since the protests in 2016 but these protests, and subsequent protests, appear to have had an impact on the national stage with a national gender-based violence policy having been in the pipeline since 2018. However, those interviewed who had worked in the task team felt that the policy adopted in 2016 did much to correct the gaps and omissions that existed in prior policies and protocols. Most of the support staff also viewed the policy in a positive light but noted that an update was necessary to ensure it stayed relevant. One support staff member noted that she was unhappy with the policy implementation and its emphasis on mediation. Concerns raised among support staff were centred around awareness of the policy and the effectiveness of it for students.

2. Are there differences in perceptions of the activists of #EndRapeCulture and the implementers at universities regarding the changes brought about by task team recommendations?

Those who were involved with the task team felt that the work done by the team did challenge the culture on campus by normalising the vocabulary used by activists. For staff, the task team symbolised an institutional acknowledgement of the problem, as well as a commitment to address it. One staff member expressed her concern with the policy and the task team stating that she had an issue with the burden of proof being placed on the victim. The student activists felt that they were not adequately included in the task team. They did not feel it was adequately advertised to the general student population.

3. Were the task teams and recommendations well-received by the campus and by the student activists?

The activists interviewed did not feel the task team or its recommendations were sincere. They felt excluded from the formal process and felt that the process should have been more transparent. What seems clear is that the students interviewed took a step back from student and campus politics after 2017 due to activist burnout. The support staff and task team members felt that the recommendations were mostly well-received.

4. What are the reasons that the protests stopped and didn't continue post-2016?

According to the students interviewed, activist burnout and difficulty in engaging those people outside of the activist circles began weighing heavily on those organising the protests. The announcement of the task team also quelled many peoples anger and students took a break to give the university time to address the problem at hand. This was, however, temporary. A new wave of protests emerged in 2018 after a student at UCT was raped and murdered.

6.3. UCKAR findings

1. How successful were the #EndRapeCulture protests in affecting policy change at the UCKAR?

The Sexual Offences Policy for Students was created as a result of the task team recommendations. It was a clear recommendation of the SVTT that a new, comprehensive policy should be formulated and adopted. Additionally, an Anti-Harassment and Discrimination Manager position was created in the Equity and Institutional Culture Office of the University. This policy merged previous policies and guidelines that pertained to sexual violence and harassment on campus and ironed out existing contradictions.

2. Are there differences in perceptions of the activists of #EndRapeCulture and the implementers at universities regarding the changes brought about by task team recommendations?

The members who were involved in the task team generally view the work done by the task team in a positive light. They are proud of what they achieved with the task team and the subsequent recommendations. The report received high praise from all those involved. Since no support staff made themselves available to be interviewed (See Appendix C), it is not known to the researcher what the implementers of the policy think. However, some of the implementers owe the creation of their posts to the recommendations put forward by the task team.

The activist interviewed was unsatisfied with the changes brought about in the aftermath of the protests and task team. The UCKAR's response to and handling of the students involved in the protest is controversial and, I believe, is what dissuaded other student activists from participating in this research. The student activists at UCKAR were traumatised by their university's handling of their protest.

3. Were the task teams and recommendations well-received by the campus and by the student activists?

It is difficult to know in the case of UCKAR. The task team members paint a positive picture of the task team and the participatory nature of their work. It appears that anyone could have participated had they wanted to. However, when the recommendations were released the university was still fighting a battle against three student activists in court. This surely would have had an impact on the way that students felt they could respond to the release of the recommendations.

4. What are the reasons that the protests stopped and didn't continue post-2016?

The interdict that the university was granted against student protest had a significant impact on the morale of students at UCKAR. Lengthy and various court hearings took place over the course of a year, with the students expected to carry the cost of the university's legal fees at one point. While it is possible that students at UCKAR backed down from the protests for similar reasons to the ones at Stellenbosch – activist burnout – this interdict served as the fatal blow to the #Chapter2.12 and #RUPreferenceList protest on their campus.

6.4. Critiques

The concern that I have about the way sexual assault and gender-based violence are discussed in the country and on campuses is that the aim of conversations are to prepare women for the statistical reality that a man they know may attempt to sexually assault them in a familiar social context. By preparing women for this inevitability, the aggression is normalised.

This is exacerbated by the emphasis placed on alcohol and the presence of party and drinking culture on campuses. While this thesis has discussed alcohol as a risk factor for sexual assault, it is clear that a man will assault or rape a woman if he is willing to do so – regardless of the presence of alcohol. If the man is not willing, the assault will not occur. During the #EndRapeCulture protest, some students used the slogan 'drinking is not a crime, rape is a crime'.

Armstrong et al. (2006:484) show that "sexual assault is a predictable outcome of a synergistic intersection of both gendered and seemingly gender-neutral processes operating at individual, organizational, and interactional levels". Nowhere is this more apparent than in the university residence system. Different rules still apply at male-only and female-only residences, as discussed in chapter 2 of this thesis.

The task team reports came to be interesting documents. Based on appearance alone, it is clear that UCKAR put a lot of thought into the design and visual aesthetic of their document. Additionally, it is considerably longer than the report produced by the Stellenbosch task team. On paper, the UCKAR document appears far superior. This is likely due to the fact that the task team at UCKAR was spearheaded by a committed feminist academic who adopted an open and participatory framework for setting the terms of reference for the task team and subsequent report. The task team at Stellenbosch was mandated by the university management and spearheaded by a technocrat from management. There were less academics and students involved with the creation of the Stellenbosch report. However, this is not to claim that UCKAR has done a better job than Stellenbosch of implementing the recommendations put forth by its task team. Apart from one support staff who aided me in establishing which recommendations had been implemented, the support staff at UCKAR made themselves unavailable for my research, so it is not clear how the implementation is going there.

With regards to the policies discussed, the focus often remains on official reporting and bureaucratic structures, rather than addressing and healing the whole person. This is why feminist scholars and activists on university campuses must strive to ensure that the policies, no matter how well intentioned, are designed and tailored to the real needs that a survivor of sexual assault will have. These policies must be designed in a way that ensures they are able to serve both the institution they represent and the vulnerable members they claim to protect.

Additionally, if we are to take the work of combatting gender-based violence and rape culture seriously, better awareness-raising and educational campaigns are needed. As Pineau (1989:243) states, “if we are going to change the rules about what is socially acceptable in sexual relations, then it is only fair to let the public know.” Ignorance should never be an excuse for sexual harassment or assault.

6.5. Concluding remarks

Four years down the line and the buzzword has changed. “Rape culture” has been replaced by “gender-based violence”. Students from the same universities protest the same issues under new slogans and movements, energised by a new student body that were not present for #FeesMustFall, #Chapter2.12 or #EndRapeCulture protests. They have taken up the call for justice, as those who came before them tried to do. And over those four years, an estimate of 163 735 women were raped in the country, with 28 243 having been sexually assaulted – and

these figures are based only on those crimes reported to the police services²⁸. Since the protests in 2016, a number of university student rapes and murders have shaken the nation. Robyn Pearce, a Stellenbosch University student, was stabbed to death in her house in 2016 (Daniels, 2018). Hannah Cornelius, a Stellenbosch University student was kidnapped, raped and murdered in 2017 (Hyman, 2018). Uyinene Mrwetyana, a UCT student, was raped and murdered at a post office in Cape Town in 2019 (Hodes, 2019). A few days after Mrwetyana's murder, Jesse Hess, UWC student was raped and murdered at her flat in Parow, alongside her grandfather who was also murdered (Qukula, 2020). In the same year, Sinethemba Ndlovu, a UKZN student, and Precious Ramabulana, a student from Capricorn TVET, were stabbed to death in separate incidents by different men in 2019 (Bhengu, 2019). In 2020, just a week before the anniversary of Uyinene Mrwetyana's death, Asithandile Zozo, a Wits student, was murdered by her boyfriend in the Eastern Cape (Sobuwa, 2020). She had organised gender-based violence protests following the death of Mrwetyana under the banner of #AmINext. This is by no means an exhaustive list and only reflects those cases that made headlines in the media. While this is not to imply that universities should protect their students when they are off campus, it does demonstrate what the worst manifestations of rape culture translate into – young women needlessly killed by men who do not respect their bodies or their lives. If universities are, after all, a microcosm of society, it is no wonder that they become violent places.

These figures raise the question: What use is a task team on one campus after one protest?

“In order for an individual woman victim of violence to enjoy in practice the realization of the principle of equality between men and women and the respect of her human rights and fundamental freedoms, the political will expressed in the Constitution as well as in accepted international and regional instruments on women's rights must be supported by a set of comprehensive legislative measures” (UN, 2016:4).

This excerpt pertains to university campuses and the policies that monitor them as well. While the words on paper may be palatable, they mean little without the institutional will to implement and uphold them. However, as has been discussed in this thesis, change requires not only resources but also cooperation among different people.

²⁸ These estimates come from the annual SAPS reports

At both institutions studied in this thesis, it has been shown that bureaucratic and organisational imperatives have constrained efforts to combat gender-based violence – especially from a student activist perspective. Not all students are activists and there are those students who are invested in the residence and partying culture that act as a hindrance to progress. It is crucial that all levels of society and campus life are drawn into the fight against gender-based violence because it should no longer be tolerated that women are predictably sexually victimised at the higher education institutions they attend.

I hoped that by asking these questions I could contextualise the protests and get to the root causes of distress among women on South African campuses. It is clear now four years after these protests took place that no single educational campaign is going to root out the causes of rape culture in our society or on our university campuses. In 2017, Stellenbosch University had its first ‘Slutwalk’ while UCKAR stopped its annual Silent Protest after the activist trauma and burnout led to organisers withdrawing from the annual event. Other university campuses in South Africa have their own awareness raising initiatives to continue putting pressure on the patriarchal structures that prop up rape culture and gender-based violence. In 2018, there was a national movement to end gender-based violence where women from all over the country, not only University campuses, took to the streets and called for a #TotalShutdown in response to the high levels of gender-based violence. Almost a year later, the rape and murder of UCT student Uyinene Mrwetyana ignited similar marches across the country. In 2020, during the international Covid-19 pandemic, students around the country protested (both physically and virtually) against the high levels of gender-based violence reported during the country’s lockdown, as well as against cases of femicide that captured the attention of the public.

It is clear that universities can act as the catalyst for civil society uprisings. Conversations around these issues have been happening for decades —2015 was not the first time that students gathered to protest issues around rape culture and sexual assault on university campuses. However, there is a consciousness raising that has taken place in the 2010s. We are now living in a post #MeToo world and women all over the world are speaking out against injustices — past and present.

The protests of the last four years are testament to the failures of liberal feminism. The kind of changes that women seek lie not in legal reform or policy making, but rather in the structures and institutions that continue to perpetuate a culture that is harmful to the cause of feminism. This is where radical and intersectional feminism can be useful. Liberal feminism tends to

focus on individual cases and risks making cases of gender-based violence seem exceptional. Our laws and policies may have changed – with discrimination written out of the documents that govern our country and campus. But patriarchy remains intact. The intersectional feminist may take this further and fight the power imbalance that allows a university to permanently academically exclude three young women who fought for their right to live safely on campus while never permanently excluding young men who commit acts of rape on their campuses – and then using the burden of proof as an excuse. It may be true that the tactics used by the protesting students were against the student disciplinary code. However, the problem remains that they were expelled for their actions while the harshest penalty handed out to a man found guilty of raping a woman at UCKAR was a 10-year academic expulsion. The psychological trauma, permanent academic exclusion and threat of disciplinary action inflicted upon the protesting students must also be acknowledged. It is clear from the interviews with students, and the responses received from those who declined to participate in the research, that four years after the events they are still traumatised by what happened.

The events that took place after the 2016 protests raises the question if protective laws and policies are what women in the country and on campuses need. By focusing attention on those that are victimised, the burden of proof remains on the victim and they are made vulnerable. It would be more prudent to focus the attention of policies on those perpetrating the crime. This would ensure policies are less reactive and possibly more proactive and successful. In addition, by introducing sex positive policies and sexual assault prevention campaigns, educators can challenge the outdated and patriarchal notions surrounding sex, celibacy and virtue. By speaking openly about why young people have sex – for pleasure – it would open up conversations around consent. By highlighting the role of consent in the quality of sexual experiences – namely that individuals can experience a higher-quality and more pleasurable sexual encounter when all parties concerned are comfortable and willing – educators and activists can encourage the asking for and giving of consent as a normal, desirable part of engaging in a sexual act. It is only by changing the culture – those attitudes, beliefs and ingrained knowledge – that the prevalence of sexual assault in our society will change.

6.6. Limitations of research

I encountered challenges at UCKAR which led to a smaller number of respondents than planned. This causes a problem, especially as no support staff made themselves available to be interviewed. This limits the findings for UCKAR.

6.7. Recommendations for further research

While this thesis has used the female-as-victim-male-as-perpetrator framework, it would be prudent for future researchers to examine the effect of gender-based violence on male and non-binary identities.

The problem with how policies frame sexual assault, rape and gender-based violence can also be explored in future research. When looking at the work of Carol Lee Bacchi, it becomes evident that the way the policy documents diagnose problems set up the way the problem is framed in society. Stellenbosch and UCKAR identify the problems differently. In the introduction of this thesis it is argued that rape culture developed in response to institutional arrangements and that the educational efforts such as training are unlikely to succeed if organisational arrangements are not changed to challenge patriarchal practices. It is important to analyse when institutional policy responses are enacted and whether it only occurs in response to mitigating risk.

If student activists have successfully named the problem of rape culture (or gender-based violence), it then remains in the hands of these institutions to do something about it. Perhaps the task teams were the first step in challenging the problem as it came to be known. As to the recommendation put forth by the task teams, the extent to which they have been successful in dismantling patriarchal institutional mechanisms remains to be seen. It may be fair to say that institutional responses can only be one rung on the ladder to dismantling harmful patriarchal systems. Institutions and universities do not, after all, operate in a vacuum.

Additionally, it was perhaps presumptuous, or premature, to take up the topic of this study. Three years is a long time in the life of a student, but it is a short span of time in the history of a university. The government has become involved in the creation of a national gender-based violence policy for tertiary institutions and it remains imperative that research continues to unpack the existing mandates and their practical implications for students. These policies must transform beyond bureaucratic documents to become truly useful to the students they claim to protect. It is only in this way that we can move beyond the paradigm in which sexual assault and gender-based violence are a statistical likelihood for half (if not more) of the student population of a university campus.

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Appendix A: Stellenbosch University Recommendations

The recommendations as put forth in the #EndRapeCulture report. For the purposes of Chapter 4, the recommendations were rewritten into questions and numbered from 1-26.

The aims of the recommendations are:

1. Re-shaping the SU environment, culture and climate;
2. Re-educating SU leadership, students and staff;
3. Equipping students to be agents of change in society beyond SU.

To this end, our recommendations are divided into three key areas: Monitoring, SU leadership, and SU students and staff:

1. Monitoring:

- 1.1. RapeCulture and relevant indicators need to be explicitly defined, and monitored over time;
- 1.2. We propose to locate this monitoring function within the Equality Unit in the Centre for Student Counselling and Support in Student Affairs;
- 1.3. All campuses need to be monitored for culture and climate, with the aim of affirming what works and close the gaps in areas that do not contribute to EndRapeCulture and/or create barriers;
- 1.4. This function comprises the monitoring of climate on campus, among students and staff, using an annual climate survey that monitors gender violence and RapeCulture;
- 1.5. A climate survey has already been developed at SU and should be employed for this purpose across all student spaces, all campuses and among staff;
- 1.6. Resources (physical, human and financial) will need to be made available to activate this function, the Equality Unit (CSCD) will propose a budget and request funding to fulfil this function;
- 1.7. The generated RapeCulture Climate Report will be tabled at the RMT annually and implications may have further consequences for SU;
- 1.8. Such a RapeCulture and Gender Violence Monitoring Committee, should be chaired by the Rector or delegate; this committee should monitor the implementation

of the recommendations of this report and should report to the RMT bi-annually and be a public reporting mechanism;

1.9. This RapeCulture and Gender Violence Monitoring Committee should work with other monitoring committees and functions on campus.

2. Leadership commitment for culture change:

2.1. According to Bailey (2010), leadership commitment, also called ‘top-down’, together with grassroots approaches (also called ‘bottom-up’) are powerful interventions for culture and climate change;

2.2. Top-down commitment refers to the role of SU leadership addressing issues of gender violence and RapeCulture in terms of modelling, culture setting and leading by example;

2.3. SU leadership should include EndRapeCulture as explicit theme in the strategic plans for the various Responsibility Centres across SU;

2.4. SU leadership should attend training workshops on transforming RapeCulture to effectively lead this change; these training programmes should be compulsory for all SU leadership, management, staff and academics and be sustained over time;

2.5. SU leadership should

2.5.1. monitor effective implementation of protocols associated with RapeCulture;

2.5.2. address gender bias and gender asymmetries within her/his responsibility centre and within human resource capacity;

2.5.3. address gender imbalances in senior positions;

2.5.4. commit that the SU conduct one significant and public event or activity per year that contributes towards challenging RapeCulture;

2.5.5. commit to monitor RapeCulture in all the responsibility centres via ensuring that all staff attend annual transformation and RapeCulture workshops;

2.5.6. commit to designing and implementing a reward and recognition mechanism for student and staff communities that implement innovative

strategies to address RapeCulture or show commitment in engaging students and staff in effective ways to change RapeCulture;

3. Grassroots commitment for culture change:

3.1. According to Bailey (2010), this approach to change culture requires that all staff, management, academics and students commit to reviewing beliefs, attitudes and behaviours to examine these for issues around gender violence and RapeCulture;

3.2. Opportunity should be created for every staff member (academic lecturer and researcher, security, safety-, disciplinary- and investigation staff, administration and support staff, etc.) to attend training workshops on transforming RapeCulture and to effectively lead this change;

3.3. Opportunity should be created for every student to attend training workshops on transforming RapeCulture and to effectively lead this change;

3.4. Opportunity should be created within institutionalised programmes such as the SU Welcoming Programme and the HR On-boarding Programme so that the change-culture intended by this recommendation is part of welcoming new students and staff;

3.5. Opportunity should be created for all residences, PSOs, student leadership, and training facilitators to receive training on EndRapeCulture;

3.6. RapeCulture issues should be part of the Academic Citizenship in Africa course that students should be required to complete before graduation;

3.7. The Equality Unit and the Transformation Office will propose a budget and request funding to fulfil this function;

3.8. RapeCulture education, sensitisation material and programmes should be developed and should include focus on:

3.8.1. men and issues around masculinity and patriarchy;

3.8.2. bystander role and behaviours;

3.8.3. social media, online communication and e-media;

3.8.4. promoting knowledge and application of policy and procedures;

3.8.5. incoming first-year students so as to re-educate students into the desired climate at SU;

3.8.6. newly appointed staff so as to re-educate staff into the desired climate at SU;

3.9. Via the inclusion of EndRapeCulture strategies into each strategic plan of each Responsibility Centre at SU, each faculty and service environment should have specific mechanism which address EndRapeCulture;

3.10. Residences, communities and PSOs should develop programmes, interventions and activities on combatting RapeCulture with specific reference to fashion shows and beauty contest and other related social events that objectify women; in addition, special focus should be on the welcoming practices that might objectify women and normalise RapeCulture;

3.11. Sports environments should develop programmes, interventions and activities combatting RapeCulture with specific reference to the practices of sports culture, cheer leaders and other practices that objectify women;

3.12. Student leadership and SRC should develop programmes, interventions and activities combatting RapeCulture with specific reference to student leadership training and engaging the entire student population;

3.13. SU should strengthen advocacy groups, including The Women's Forum, Unashamed, Kwanele, student societies, interest and activist groups, including individuals, projects, initiatives, interventions and intentions via funding, training support, online exposure and various other mechanisms;

3.14. The Rector-Mayor Forum should include RapeCulture as a standing item, including related issues of transformation on alcohol safety and issues with regards to clubs and bars in the broader Stellenbosch Community;

3.15. The Equity Unit and Transformation Unit should host regular RapeCulture university symposiums to engage with the latest research, campus campaigns and learn from other institutions to support the goals of EndRapeCulture;

3.16. SU Discipline Department should revise the disciplinary code to make provision for explicit sanctions for sexual harassment; in addition special sensitivity training should be obligatory for staff working with reports on gender violence.

Appendix B: UCKAR Recommendations

The first 10 recommendations found in the report are the overarching recommendations, while the rest are specific to different issues.

The nature of this report is that the recommendations are discussed at length, making a summarised table necessary. The report includes, as an appendix, a summarised version of the recommendations in a table.

Recommendations
Overarching recommendations
1. The University should adopt a three-pronged justice approach for dealing with sexual harassment
2. An office dedicated to sexual harassment should be established.
3. A Harassment Office should be established (within which the Sexual Harassment Office will be located).
4. a. There should be one comprehensive sexual harassment policy. b. Other policies which refer to sexual harassment/violence should also be revised. c. The policy on Eradicating Unfair Discrimination and Harassment should be revised. d. The responsibilities of the various role players and stakeholders should be clearly defined in each policy.
5. The overarching policy (and the revision of other policies) should be written by the Manager of the Sexual Harassment Office.
6. Summary, easy to read, documents of the policies should be made easily accessible to all.
7. A network of support for the complainants should be created.
8. Reporting officers in the Sexual Harassment Office should be trained to take proper statements under oath and follow correct procedures in terms of obtaining medical examinations, even if the complainant does not wish to proceed with the case.
9. The various options open to complainants who lay a complaint within the University should be as follows: a. Support for complainant to lay a charge through the CJS b. Internal disciplinary procedures c. Restorative justice procedure d. Mediation between the parties e. Remedial discussions

10. a. GenAct should oversee the implementation of all of the task team mandates through the Sexual Harassment Office. b. Regular reports should serve at GenAct and the Equity and Institutional Culture Committee.
Criminal Justice System
11. Mechanisms of support for the administration of external retributive justice need to be established
Formal Internal Disciplinary Procedures
12. The contradictions between the various policies for internal disciplinary procedures need to be ironed out.
13. The inaccuracies within the various policies need to be attended to in the writing of the Sexual Offences Policy.
14. The definitions of rape, sexual assault, and sexual harassment should be revisited.
15. Future policies and guidelines should acknowledge that offenders may be in positions of authority.
16. a. There should be a prescribed sanction of exclusion and dismissal for rape and sexual assault. b. The Sexual Offences Policy and all disciplinary codes should include definitions of all types of sexual offences that are subject to discipline.
17. The section of the Student Disciplinary Code which refers to students who are acquitted due to lack of mental capacity needs revision.
18. a. The Senate Disciplinary Committee member should have a background in gender-based violence and sensitivity to psychological issues. b. At least two of the members of the Disciplinary Board for Sexual Offences should be of the same gender as the complainant.
19. In terms of prosecution, policy should reflect that the complainant's wishes must be carefully considered.
20. All points of contact with the complainant should emphasise the protective measures to which the complainant has access, as well as the procedures to follow in obtaining these orders.
21. a. Policies should emphasize the basis on which no contact orders are made and how these orders restrict offenders.

b. Clear guidelines for official communication regarding no contact orders should be laid out to all parties involved.
22. The policy should clearly state that prosecutors may not discontinue an investigation based on who the respondent is.
23. The definition of consent contained in the policies needs to be revised.
24. Further detail on how incidents that occur between staff and students are dealt with is required in all of the policies.
25. It should be made clear in the Grievance Procedure Policy that staff are entitled to initiate a grievance procedure on the basis of sexual harassment.
26. a. Sexual harassment and assault need to be defined in the Staff Disciplinary Procedure. b. Sexual harassment of any kind should be dealt with under Category B serious offences. c. Sexual violence and assault and severe sexual harassment should be dealt with under Category C offences.
27. In cases of serious sexual violence, charges in the alternative that are sufficient for exclusion/dismissal should be considered.
28. The University should employ both internal and external prosecutors.
29. a. Prosecutors should be conversant with gender and sexuality issues and not just the law. b. Prosecutors should also have a background in sexual offences law and practice.
30. a. The policy should include the procedure to follow in obtaining a no contact order and suspension order from the Sexual Harassment Office. b. The policy should outline the process to be followed in order to obtain a protection order from the magistrate's court.
31. The policy on Eradicating Unfair Discrimination and Harassment needs revision (as indicated in recommendation 4c).
32. Pre-enquiry phase should be small committee followed by larger advisory committee, if necessary. Scrap the Fairness Forum.
33. The new Sexual Offences policy needs to refer to the protocol governing intimate relationships between staff and students.
Mediation and restorative justice
34. A clear distinction is made between mediation and restorative justice; it may be inappropriate for more serious cases and cases where there is a large power differential to be resolved in this manner as mediation implies resolution of a conflict rather than a form of justice.

35. During mediation, it should be made clear that a mediation agreement is binding and that failure to abide by the agreement could result in disciplinary action.
36. The RESTORE procedure of a restorative justice conference should be followed.
37. Funding should be sought to bring an expert in restorative justice to Rhodes to provide guidance and training.
The provision of safe spaces
38. a. A dedicated safe house should be made available for complainants. b. No pressure should be put on a complainant to move out of residence/digs. c. There should be more than one bed in each room of the safe space for a friend or family member. d. There should be a set time limit that a complainant can stay at the safe space. e. The safe space keys should be kept at CPU. f. There should be a sub-warden who can help the complainant settle in. g. Packed meals and a care pack should be provided to complainants.
39. Cases of harassment should be removed from the responsibility of the Manager of Student Wellness.
40. An online reporting system such as Callisto should be developed.
41. a. Peer supporters should provide on-going and sustained support for complainants. b. Training and debriefing opportunities for the peer supporters should be provided.
42. a. The option of speaking to a psychologist in the Counselling Centre should be made clear to the complainant. b. Psychologists and interns working at the Counselling Centre should be versed in dealing with cases of sexual violence. c. The case load of the Counselling Centre should be reviewed on a regular basis to see if additional human resources are required.
43. The Academic Project and Protocol Facilitation Committee should investigate interventions which highlight the importance of mutual respect and tolerance of different political practices and engagements specifically in residences.
Increasing student safety
44. Bystander intervention training should be included in the Orientation Week Programme of first year students.
45. a. A customized cell phone safety app should be developed/explored. b. Students should be made aware of this app and encouraged to use it.

46. Contact numbers and physical addresses of doctors, the hospital, the Sexual Harassment Office, and the Counselling Centre should be made available to all students and staff in the form of business cards, flyers, and posters on campus and online.
Increasing awareness and training on campus
47. a. A code of conduct that covers sexual violence, offences and harassment should be developed. b. Every student and staff member should be required to sign a declaration.
48. a. Every staff member should complete an online training programme. no and no to below b. More comprehensive workshops (which will include basic counselling skills) should be provided for those who are more likely to be approached by complainants.
49. All staff and students should complete an online training programme on sexual violence.
50. A range of in-depth workshops should be provided to those who are likely to assist and support complainants.
51. The Student Leadership Training Programme should be revised and continue.
52. A re-imagined Orientation Week and beyond.
53. More facilitated residence discussions should take place.
54. Sexual Violence Representative portfolio should be added to the residence House Committees.
55. Facilitated discussions/workshops should be provided to all levels of staff at the University.
56. a. Community engagement projects (such as GASP) should be encouraged. b. A registry should be kept of all projects/people/units involved with issues of gender and sexual violence.
57. The Sexual Harassment Office and GenAct should work with OutRhodes and GAP student societies in implementing the recommendations of this report.
58. The Silent Protest needs to be re-imagined.
59. The housing and resourcing of the annual "My Body, My Choice" campaign needs attention.
60. Information should be provided to people who either feel that they may have committed sexual harassment (wittingly or unwittingly) or who have been accused of sexual harassment.

61. The Sexual Harassment Office should keep a log of on-going extracurricular activities on campus which challenge rape culture, and provide an over-arching co-ordination function of these activities.
Inclusivity and Institutional Culture
62. The Office of Equity and Institutional Culture should be empowered to bring about transformation at the University.
63. The QUORL Survey should be revised and resumed.
64. a. The QUORL Survey items should be phrased in a clear unambiguous way. b. The Survey should be submitted online. c. The results of the survey should be published.
65. A way of gathering information about the experiences of students living in digs needs to be developed.
66. a. Student media editors, writers and moderators should reflect on how they support certain University culture(s). b. The Media Representative of the SRC should monitor the SRC Facebook Page.
67. Campus Culture initiatives like "Purple Thursdays" should be reviewed.
68. Identified informal gendered socialisation practices on campus need to be unpacked.
69. An "enthusiastic" consent campaign should be held in Grahamstown's bars
70. Oppidan wardens should engage with Oppidan students regarding gendered practices that occur within digs.
71. a. Residence staff should receive training. b. Each House Committee should have an Anti-Sexual Violence Representative.
72. Hall wardens and house committee members need to engage with students in changing residence culture.
73. "RU Jamming" should be reviewed.
74. Institutional responses on transformation and institutional culture requires attention.
75. The policy on relationships between staff and students should be revisited and updated.
Promoting conversations
76. There should be more facilitated conversations around curricula and issues of sexual violence between staff and students.
77. Staff members should be provided with a space to discuss methods of embedding issues of sexual violence into their curricula.

78. Theatre interventions should be used to bolster other activities on campus which tackle rape culture.
79. Sustained dialogue should be supported by the Sexual Harassment Office as well as the Equity and Institutional Culture Office.
The implementation of a common cause
80. A common undergraduate course should be implemented as a DP requirement.
Embedding sexual violence prevention in the curriculum
81. All faculties should produce a report considering ways of including issues relating to sexual violence and rape culture into their curricula.
Transformation of teaching and learning spaces: The construction of deliberative spaces
82. A multi-disciplinary course in the theory and practice of deliberative democracy should be developed at the University.
83. The theoretical and conceptual tools of 'disruptive pedagogies' should be used to resist rape culture in the classroom context.
84. The invisible curriculum of the University needs to be examined.
85. Existing staff should have the option of completing a course/workshop on discourses of rape culture and sexual violence.
86. More students should be involved in the Academic Orientation Programme.
87. A booklet containing various case studies and ideas of how rape culture can be countered at curriculum level should be produced.
Towards a clear institutional ethos of engagement with society
88. a. A 'commitment statement' should be drafted by the University. b. University staff should be required to sign a declaration of their commitment.
89. a. Two non-executive posts within the SRC should be established. b. The SRC should investigate ways of establishing a Student Safety Forum.
90. The Sexual Harassment Office, the Equity and Institutional Culture Office, Community Engagement Office, GenAct, Gender Action Project and SRC need to engage with other stakeholders in our country.
91. a. The Sexual Harassment Office should compile a list of researchers conducting relevant research. b. Workshops on writing policy briefs should be held with these researchers. c. The possibility of obtaining research funding should be considered.

Appendix C: Emails sent to UCKAR support staff

As stated in Chapter 5, I was unable to secure any interviews with support staff at UCKAR. The emails attached below serve as examples of the communication I had with different support staff at UCKAR. During my research trip to the town, I also knocked on many doors and was refused an interview. Many different reasons were given and participation in research is voluntary so, even though I believe it would have been beneficial to hear what the support staff have to say about the policies they implement, I had to step back once they made their refusal clear.

Example 1

11/11/2019

Good day [REDACTED]

My name is Dalaine Krige and I am a Masters student in the Department of Political Science at Stellenbosch University. I would like to invite you to participate in a research project entitled #EndRapeCulture: The successes and failures of task teams in bringing about change.

You have been chosen to participate in this research study for one of three reasons,

- because of your involvement during the 2016 #EndRapeCulture protests,
- because of your involvement in the task teams following the #EndRapeCulture protests,
- because of your work as a support staff member at the institution you are employed at.

Your participation will be appreciated as it will help the researcher to determine how the protests affected the universities being studied and will aid in providing a clearer picture of the events of 2016.

I intend to spend a few days in Grahamstown in 2020 to conduct face-to-face interviews. I have spoken to potential participants at the university and they have suggested that the first week of February would be an ideal time to conduct the interviews. Would this work for you?

Anonymity and confidentiality can be assured if you feel that any potential harm will come to you or your institution if you were to be identified.

Your participation is **entirely voluntary** and you are free to decline to participate. If you say no, this will not affect you negatively in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part.

If you are willing to participate in this study, you will be asked to sign the attached Declaration of Consent and hand it /email it to me.

I have also attached the permission I received from the RUESC.

If you have any questions or concerns about the research, please feel free to contact me at 083 309 3382 or at 18201245@sun.ac.za. My supervisor Amanda Gouws can be contacted at 082 970 6739 or at ag1@sun.ac.za.

Kind regards,

Dalaine Krige

13/11/2019

Dear Dalaine

Your request for my participation in the study has reference. Kindly be advised that I was not part of the 2016 protests neither was I involved in the task teams hence I cannot participate. I would, however, propose that you consider communicating with [REDACTED] at Rhodes who might be better placed to participate.

Wishing you all the best with your project.

Kind regards

[REDACTED]

13/11/2019

10/01/2020-

2 x follow ups

Dear [REDACTED]

I hope you had a restful holiday season.

I refer to my previous email now.

I will be visiting Rhodes during the first week of February to conduct my interviews.

I really would appreciate having you as one of my participants. If you have a chance, please look over the questions I would ask and let me know your availability.

Kind regards,

Dalaine Krige

10/01/2020

Dear Dalan

Kindly be advised that I am unfortunately not able to participate in the study due to reasons that were communicated earlier.

Regards



10/01/2020

Dear 

I understand that you were not at the university during the 2016 protests. However, you hold an instrumental post now with regard to policy implementation.

My research focuses less on what happened in 2016 and more on what the aftermath of those protests was. The creation of your office seems like something that came about as a result of the protest action.

I would like to interview you about the policies that Rhodes has in place now. I did the same with the new appointments at Stellenbosch University.

Kind regards,

Dalaine Krige

Example 2

06/02/2020

Dear [REDACTED]

My name is Dalaine Krige and I am a Masters student in the Department of Political Science. I would like to invite you to participate in a research project entitled EndRapeCulture: The successes and failures of task teams in bringing about change.

You have been chosen to participate in this research study for one of three reasons,

- because of your involvement during the 2016 #EndRapeCulture protests,
- because of your involvement in the task teams following the #EndRapeCulture protests,
- because of your work as a support staff member at the institution you are employed at

[REDACTED] recommended that I reach out to you as you are familiar with the implementation of the Sexual Offences Policy for Students. I have attached the questions I would ask you to this email. I am not able to be in Grahamstown again so the interview would have to be via email.

Your participation will be appreciated as it will help me to determine how the protests affected the universities being studied and will aid in providing a clearer picture of the events of 2016.

Anonymity and confidentiality can be assured if you feel that any potential harm will come to you or your institution if you were to be identified.

Your participation is entirely voluntary and you are free to decline to participate. If you say no, this will not affect you negatively in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part.

If you are willing to participate in this study, you will be asked to sign the attached Declaration of Consent and send it back to me.

If you have any questions or concerns about the research, please feel free to contact me at 083 309 3382 or at 18201245@sun.ac.za. My supervisor Prof Amanda Gouws can be contacted at 082 970 6739 or at ag1@sun.ac.za.

Kind regards,
Dalaine Krige

06/02/2020

Dear Dalaine

Do you have ethics approval for this research? I will print this and give to [REDACTED]

Thank you

Kind regards
[REDACTED]

06/02/2020

Hi,

I have approval from both Stellenbosch and Rhodes University.

Please see the forms attached.

Kind regards,

Dalaine Krige

17/02/2020

Dear Dalaine

I hope you are well. I just wanted to find out if you are still interested in having a telecom with [REDACTED] or do you want to send her something on email?

Thank you

Kind regards

[REDACTED]

17/02/2020

Good morning.

I am very much still interested.

I am open to whatever will be easiest for her. I'll attach the questions I will ask to this email.

If she'd rather we do a telecom we can, otherwise she is welcome to answer the questions over email.

I'll also attach the consent form.

Kind regards,

Dalaine Krige

20/02/2020

Dear [REDACTED]

I hope you are well.

I would like to follow-up on my previous email.

Has the [REDACTED] decided on what would be easiest for her regarding the interview?

Kind regards,

Dalaine Krige

24/02/2020

Dear Dalaine

Apologies for the delay in responding to you but [REDACTED] diary is a bit hectic.

I still do not have an answer for you. I have sent the questions to [REDACTED] and she will let me know if she will be able to speak to you on Thursday at 15:15 via telecom. I have reserved this slot for you but if she answers the questions before Thursday, that would be great.

Thank you

Kind regards

[REDACTED]

25/02/2020

Dear Dalaine

I spoke to [REDACTED] and unfortunately, she would like to decline the invitation to participate. She does not have time to do either the telecon or typing in the answers.

Apologies for any inconvenience caused.

Thank you

Kind regards

[REDACTED]

25/02/2020

Hi [REDACTED]

I understand that this is a busy time period.

My deadline is only the end of the year. So, if time is the only issue, she can answer the questions whenever she has time again. As long as it's before September.

I'd really appreciate her participation. I'm having a really hard time finding anyone willing to be interviewed at Rhodes.

Thank you for keeping me informed.

Kind regards,

Dalaine Krige

26/02/2020

Thank you so much Dalaine.

I have forwarded this to [REDACTED]

Thanks

Kind regards

[REDACTED]

31/08/2020

Good day,

I was hoping to follow-up on this.

I am wrapping up my thesis and have not managed to secure any interviews with support staff at Rhodes University.

I would be very appreciative if [REDACTED] could answer the questions I forwarded to you earlier this year.

I understand that things are operating very differently with Covid.

Kindly let me know if she would have the time.

I have attached the questions to this email.

Kind regards,

Dalaine Krige
